

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Monday, January 13, 2020

**TIME:** 9:00 A.M.

**PLACE:** Room EW20

**MEMBERS:** Chairman Wood, Vice Chairman Wagoner, Representatives Vander Woude, Gibbs, Blanksma, Kingsley, Zollinger, Christensen, Green (Kastning)(2), Lickley, Chew, Rubel, Davis (Burns)

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

**Chairman Wood** called the meeting to order at 9:00 a.m.

**DOCKET NO. 16-0612-1901:** **Erika Rupp**, Program Manager, Idaho Child Care Program (ICCP), Department of Health & Welfare (DHW), Division of Welfare, presented **Docket No. 16-0612-1901**. The ICCP promotes economic self-sufficiency for low income families with reliable and consistent child care, healthy development, and school readiness for children.

In compliance with the Child Care Reauthorization Act of 2014, co-payment increases are limited during the certification period. Family reporting requirements have changed, deleting a section. Provider training practices and required certified pediatric first aid training are updated.

**MOTION:** **Rep. Rubel** made a motion to approve **Docket No. 16-0612-1901**.

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

**VOTE ON MOTION:** **Chairman Wood** called for a vote on the motion to approve **Docket No. 16-0612-1901**. **Motion carried by voice vote.**

**DOCKET NO. 16-0309-1803:** **Michael Case**, Policy Program Manager, Division of Medicaid, DHW, presented **Docket No. 16-0309-1803**. The Rule revisions comply with the Centers for Medicare and Medicaid Services (CMS) directive to move intervention services for children with autism spectrum disorder from a Home and Community Based 1915(c) waiver into the Idaho State Plan.

Because children with autism spectrum disorder are included in the Idaho Statute definition of developmental disabilities (DD) and the Department's desire to ensure all Medicaid eligible children with an identified need can access intervention services, the Department chose to move all children's intervention services out of the 1915(c) waivers, allow those waivers to expire, and cover the services as Idaho State Plan Basic Plan Benefits. The revised rule allows services to be delivered in both evidence-based and evidence-informed service delivery models.

A tiered provider reimbursement structure was created to maintain existing providers, allow professional growth within the field, and encourage new providers.

**Chairman Wood** turned the gavel over to **Vice Chairman Wagoner**.

**Angie Williams**, Medicaid Program Policy Analyst, DHW, Division of Medicaid, responding to a committee question, explained the different provider levels are based on pay, age, and education.

**Lydia Dawson**, Executive Director, Idaho Association of Community Providers (IACP), testified **in support** of **Docket No. 16-0309-1803**. These critical services are an investment in the children throughout their lives. The IACP has identified concerns regarding the Medicaid Provider Handbook as a living document. She expressed confidence the DHW will work with the IACP on this issue.

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

**MOTION:** **Rep. Wood** made a motion to approve **Docket No. 16-0309-1803**. **Motion carried by voice vote. Reps. Zollinger, Christensen, and Kastning** requested they be recorded as voting **NAY**.

**DOCKET NO. 16-0310-1806:** **Michael Case**, Policy Program Manager, Division of Medicaid, DHW, presented **Docket No. 16-0310-1806**, with restructuring and deletions resulting from removing the 1915(c) waivers, relocating the children's intervention services into the State Plan, and clarifying which support services are offered through the 1915(i) Idaho State Plan Option Benefit.

The changes include respite care while an unpaid caregiver is receiving Family Education and allows a related independent provider to give respite to a sibling group. Family education restrictions were removed to allow caregivers to better meet the child's needs. The family-directed community supports are continued through the 1915(i) authority.

**MOTION:** **Rep. Gibbs** made a motion to approve **Docket No. 16-0310-1806**.

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

**VOTE ON MOTION:** **Chairman Wagoner** called for a vote on the motion to approve **Docket No. 16-0310-1806**. **Motion carried by voice vote. Reps. Zollinger, Christensen, and Kastning** requested they be recorded as voting **NAY**.

**DOCKET NO. 16-0309-2001:** **David Walsh**, Bureau Chief, Care Management, Division of Medicaid, presented **Docket No. 16-0309-2001**, a Temporary Rule in compliance with the Red Tape Reduction Act and in support of **S 1204**. All references to the Institutions for Mental Diseases (IMD) exclusion are removed. The DHW Director is directed to research options and apply for federal waivers to pay for substance abuse and mental health services. The Rule is effective January 1, 2020, to coincide with the 1915(i) option effective date.

Answering questions, **Mr. Walsh** explained the State Plan option and waiver approval is anticipated with a retroactive January 1, 2020, approval date, as has been indicated by the CMS.

**Rep. Rubel** commented the contingency planning provides a more immediate state of readiness and the Rule becomes null and void without the CMS approval.

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

**MOTION:** **Rep. Wood** made a motion to approve **Docket No. 16-0309-2001**. **Motion carried by voice vote. Reps. Christensen, Kastning, Zollinger, and Vander Woude** requested they be recorded as voting **NAY**.

**DOCKET NO. 16-0318-1901:** **Alexandra Fernandez**, Bureau Chief, Bureau of Long Term Care, Division of Medicaid, DHW, presented **Docket No. 16-0318-1901**. The revisions are in compliance with the Red Tape Reduction Act and are associated with participant cost sharing for home and community-based services. Exemptions clarify and update the Personal Needs Allowances used in the cost-sharing calculation in alignment with federal requirements.

Exempt cost sharing populations are identified, aligning with existing program operations. The cost-sharing calculation changes streamline the Personal Needs Allowance figures and ensure a member retains enough disposable income to cover living expenses not covered by Medicaid.

**Ms. Fernandez**, answering committee questions, stated the \$46,000 savings equals a net federal savings of \$32,000 and a net Idaho savings of \$14,000. Taxes, when associated with housing expenses, are included in the calculations.

**MOTION:** **Rep. Zollinger** made a motion to approve **Docket No. 16-0318-1901**.

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

**VOTE ON MOTION:** **Chairman Wagoner** called for a vote on the motion to approve **Docket No. 16-0318-1901**. **Motion carried by voice vote.**

**DOCKET NO. 16-0319-1901:** **Steve Millward**, Program Manager, Certified Family Home (CFH) Program, Division of Licensing and Certification, DHW, presented **Docket No. 16-0319-1901**. The changes add protection for vulnerable adults living in CFHs and are in line with the Red Tape Reduction Act.

The provider criminal history and background check has been changed to at least every five years. Application denial is updated to include consideration of issues with a foster or child care license. A provider may be required to renew his clearance prior to the five-year minimum, if the Department becomes aware of issues which may impact the clearance status.

**MOTION:** **Rep. Rubel** made a motion to approve **Docket No. 16-0319-1901**.

**Christine Pisani**, Executive Director, Idaho Council on DD, testified **in support of Docket 16-0319-1901**. She applauded the additional protection presented in both sections of the Rule and appreciated the Department's vigilance.

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

**VOTE ON MOTION:** **Chairman Wagoner** called for a vote on the motion to approve **Docket No. 16-0319-1901**. **Motion carried by voice vote.**

**DOCKET NO. 16-0322-1901:** **Tamara Prisock**, Administrator, Division of Licensing and Certification, DHW, presented **Docket No. 16-0322-1901**, a rewrite of the licensing requirements for Idaho Residential Assisted Living Facilities with changes also in alignment with the Red Tape Reduction Act.

The rewrite enables assisted living facilities to receive accreditation by a nationally-recognized accreditation agency. Confusing or unclear requirements have been clarified. The chapter reorganization provides clarity and ease of use, with obsolete and duplicative language deleted and references updated. Changes also relax some of the licensure requirements and strengthen resident safety.

**MOTION:** **Rep. Gibbs** made a motion to approve **Docket No. 16-0322-1901**.

**Jamie Simpson**, Supervisor, Residential Care Assisted Living Facilities Licensing Program, was invited to answer a committee question. She said there is no online complaint method because they like to get details directly from the complainants before going into the facilities. Upon suggestion, Ms. Simpson agreed to review the website's ease of use.

**Christine Pisani**, Executive Director, Council on DD, testified **in support of Docket No. 16-0322-1901**. Protections are a welcome addition to clearly outline the safeguarding of residents. Responding to a previous question, she stated the written agreements between facilities provide two separate emergency relocation facilities for residents during any emergency situation.

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

**VOTE ON MOTION:** **Chairman Wagoner** called for a vote on the motion to approve **Docket No. 16-0322-1901. Motion carried by voice vote.**

**DOCKET NO. 16-0504-1901:** **Nicole Fitzgerald**, Executive Director, Idaho Council on Domestic Violence and Victim Assistance, DHW, presented **Docket No. 16-0504-1901**, which governs the Council's grant making. Revisions remove obsolete language, update conflict of interest standards, update definitions to reflect federal language, and remove onerous burdens on parole applicants. The application process is made simpler and stabilizes the funding for community organizations providing direct assistance to crime survivors throughout Idaho.

**MOTION:** **Rep. Rubel** made a motion to approve **Docket No. 16-0504-1901.**  
For the record, no one indicated their desire to testify.

**VOTE ON MOTION:** **Chairman Wagoner** called for a vote on the motion to approve **Docket No. 16-0504-1901. Motion carried by voice vote.**

**DOCKET NO. 16-0506-1901:** **Fernando Castro**, Supervisor, Criminal History Unit, DHW, presented **Docket No. 16-0506-1901.** Changes include the Red Tape Reduction Act, securing the Department's authority to complete the background checks of the Citizen Review Panel members, and conversion of the individuals subject to a criminal history and background check list into a table.

**MOTION:** **Rep. Zollinger** made a motion to approve **Docket No. 16-0506-1901.**  
For the record, no one indicated their desire to testify.

**VOTE ON MOTION:** **Chairman Wagoner** called for a vote on the motion to approve **Docket No. 16-0506-1901. Motion carried by voice vote.**

**DOCKET NO. 16-0506-1902:** **Fernando Castro**, Supervisor, Criminal History Unit, DHW, presented **Docket No. 16-0506-1902.** References to the National Crime Information Center (NCIC) have been removed, as requested by the Federal Bureau of Investigation. This change clarifies the NCIC access is only through the 2014 Child Care and Development Block Grant, with no impact on the current federal and Idaho Sex Offender Registries use. The direct patient access employee definition has been added, provider expectations have been clarified, document retention has been updated, background checks for rehired staff have been clarified, and a sixty-day employee fingerprinting deadline has been added. Both assault and battery with intent to commit a serious felony have been added to the list of permanent disqualifying crimes.

**MOTION:** **Rep. Kastning** made a motion to approve **Docket No. 16-0506-1902.**  
For the record, no one indicated their desire to testify.

**VOTE ON MOTION:** **Chairman Wagoner** called for a vote on the motion to approve **Docket No. 16-0506-1902. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting adjourned at 10:42 a.m.

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Representative Wagoner  
Chair

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Irene Moore  
Secretary