

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, January 13, 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 Senate Health and Welfare Committee (Committee) to order at 3:00 p.m.

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

OMNIBUS FEE RULES: **Vice Chair Souza** explained the process for the approval of the dockets listed on the agenda. She announced the dockets under consideration and asked if anyone from the boards relating to these fee rules had substantial changes to explain. There were none.

MOTION: **Chairman Martin** moved to approve **Docket Nos. 19-0101-1900F; 23-0101-1900F; 24-0301-1900F; 24-0501-1900F; 24-0601-1900F; 24-0901-1900F; 24-1001-1900F; 24-1101-1900F; 24-1201-1900F; 24-1301-1900F; 24-1401-1900F; 24-1501-1900F; 24-1601-1900F; 24-1701-1900F; 24-1901-1900F; 24-2301-1900F; 24-2401-1900F; 24-2601-1900F; and 24-2701-1900F.** **Senator Heider** seconded the motion. The motion passed by **voice vote**.

OMNIBUS RULES: **Vice Chair Souza** introduced **Docket Nos. 15-0100-1900, 15-0200-1900, and 41-0101-1900.** She asked if anyone from the Boards relating to these rules had substantial changes to explain. There were none.

MOTION: **Chairman Martin** moved to approve **Docket Nos. 15-0100-1900, 15-0200-1900, and 41-0101-1900.** **Senator Burtenshaw** seconded the motion.

DISCUSSION: Senator Bayer asked for clarification from someone in the Commission on Aging. Seeing no one, she commented that there was no negotiated rulemaking on the rules for the Commission on Aging. **Vice Chair Souza** responded that because there were no changes in the existing rules, negotiated rulemaking was not conducted..

VOICE VOTE: The motion to approve **Docket Nos. 15-0100-1900, 15-0200-1900, and 41-0101-1900** passed by **voice vote**.

DOCKET NO. 23-0101-1901 **Russ Barron**, Executive Director, Idaho Board of Nursing, presented **Docket No. 23-0101-1901**; Rules of the Board of Nursing. **Mr. Barron** explained the rule was negotiated in the spirit of the Red Tape Reduction Act and there was a public hearing on July 12, 2019. He described the rule change deleted all rules associated or related to the Medication Assistant Certified. This certification was provided to qualified, unlicensed assistants to administer certain kinds of medication under the direction and supervision of a registered nurse. He explained why there was no current need for this in the state.

In response to Committee questions, **Mr. Barron** explained to the Committee how to view changes in the rule.

MOTION: **Senator Lee** moved to approve **Docket No. 23-0101-1901**. **Senator Jordan** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 22-0107-1901 **Anne Lawler**, Executive Director, Idaho Board of Medicine, presented **Docket No. 22-0107-1901**; Rules for the Licensure of Naturopathic Medical Doctors. **Ms. Lawler** explained the changes and additions to the Docket. She detailed the Fee table in the rule and explained the fee changes. See attachment 1.

DISCUSSION: **Chairman Martin** requested clarification pertaining to the fee table on page 468. **Ms. Lawler** explained all the fees are "not to exceed" amounts. If an adjustment is needed, up to the amount listed in the table, they don't need to ask the Legislature for approval.

TESTIMONY: **Kris Ellis**, Partner, Eiguren Ellis Public Policy Firm, spoke in support of **Docket No. 22-0107-1901**. See attachment 2.

MOTION: **Senator Jordan** moved to approve **Docket No. 22-0107-1901**. **Senator Lee** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 58-0101-1903 **Tiffany Floyd**, Air Quality Division Administrator, Department of Environmental Quality (DEQ), presented **Docket No. 58-0101-1903**; Department of Environmental Quality, Rules for the Control of Air Pollution in Idaho. She explained this rule is in response to the Red Tape Reduction Act. Rules that were duplicative, ineffective, or outdated were removed; specifically, sections 590, 591, 845-848, and 855-859. She noted that federal regulations have superseded these requirements, and they're already incorporated by reference into Idaho's rules. DEQ held one public comment period and one public hearing; overall, the comments received were in support of these changes.

MOTION: **Senator Heider** moved to approve **Docket No. 58-0101-1903**. **Senator Burtenshaw** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 58-0101-1905 **Ms. Floyd** presented **Docket No. 58-0101-1905**; Department of Environmental Quality, Rules for the Control of Air Pollution in Idaho. See attachment 3. **Ms. Floyd** explained the differences in font color.

MOTION: **Senator Nelson** moved to approve **Docket No. 58-0101-1905**. **Senator Heider** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 58-0105-1901 **Michael McCurdy**, Waste Management and Remediation Division Administrator, DEQ, presented **Docket No. 58-0105-1901**; Department of Environmental Quality, Rules and Standards for Hazardous Waste. He explained this rulemaking was to ensure state rules remained consistent with federal regulations. See attachment 4.

MOTION: **Senator Burtenshaw** moved to approve **Docket No. 58-0105-1901**. **Senator Heider** seconded the motion. The motion passed by **voice vote**.

DOCKET NO. 58-0101-1904 **John Tippetts**, Director, DEQ, spoke to the context of **Docket No. 58-0101-1904**; Department of Environmental Quality, Rules of Control of Air Pollution in Idaho. He specifically addressed how Idaho Code § 39-107D, applies to DEQ and the provisions stated therein.

DISCUSSION: **Ms. Floyd** introduced Mr. Carl Brown, Air Quality Rules Coordinator to help her answer questions; however, there were none. She then presented **Docket No. 58-0101-1904**, pending fee rule. She explained these rules were necessary to ensure the State of Idaho remained the implementing authority of the Clean Air Act and maintained primacy over the federal programs. The primary purpose was to provide the required structure to implement the national ambient air quality standards and to implement an air quality operating permit program in lieu of the Environmental Protection Agency. These rules regulated activities not regulated by the federal government. There were two rules: the Toxic Air Pollutant Rules and The Fluoride and Vegetation Limit, which were promulgated prior to Idaho Code § 39-107D. They required further research to ensure they met the requirements of Idaho Code § 39-107D.

MOTION: **Senator Burtenshaw** moved to approve **Docket No. 58-0101-1904**. **Senator Harris** seconded the motion. The motion passed by **voice vote**.

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 4:12 p.m.

Senator Martin
Chair

Margo Miller
Secretary

Carol Cornwall
Assistant Secretary