

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, January 14, 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.

**UNANIMOUS  
CONSENT  
REQUEST:** **Chairman Wood** requested unanimous consent to remove the vital statistics rules chapter of IDAPA 16.02.08, of **Omnibus Docket No. 16-0000-1900F** from the agenda and discussion today. There being no objection, the request was granted.

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

**DOCKET NO.  
16-0000-1900:** **Tamara Prisock**, Administrator, Division of Licensing and Certification, Rules Review Officer, Department of Health and Welfare (DHW), presented **Omnibus Docket No. 16-0000-1900**. In compliance with the Red Tape Reduction Act, chapters were eliminated, streamlined, and chapter names were simplified. Other deletions addressed redundancy and restrictive language. Chapter 16.03.10, Medicaid Enhanced Benefits, has rate increases resulting from two years of negotiations with providers.

**Sarah Clendenon**, Health Freedom Idaho (HFI), testified **in opposition to Omnibus Docket No. 16-0000-1900**. The terminology change to "student" is not defined in code. Child protection services (CPS) investigations done before any charges are made against the parents ignores their rights and religious beliefs, causing traumatic exams for the children.

**Miste Karlfeldt**, HFI, testified **in opposition to Omnibus Docket No. 16-0000-1900**. Chapter 16.06.01 Section 0101.01 provides federal funding to fast track parental rights removal to place children in foster care and adopt them out to strangers. Chapter 16.02.15 must be removed because the only authority is state law 39-4801. Parents must be free to maintain their responsibility for their children and regulations not supporting this must be removed. State custody entrance medical exams need to be changed.

**Jinny Peterson**, HFI, testified **in opposition to Omnibus Docket No. 16-0000-1900**, sharing her concerns regarding the DHW circumventing the legislative process. The Idaho constitution states no law shall be passed except by bill. Every rule infringes on individual rights, liberties, and both the Idaho and U.S. Constitutions.

**Jessica Zam**, HFI, testified **in opposition to Omnibus Docket No. 16-0000-1900**, requesting removal of Chapters 16.02.12, 16.03.09, 16.06.11, 16.06.12, 16.02.15, and 16.02.11.

**Sara Walton Brady**, Idaho for Vaccine Freedom, testified in **opposition** to **Omnibus Docket No. 16-0000-1900**. She requested removal of Chapter 16.06.12, for the Idaho Child Care Program (ICCP) immunization requirements for day care facility benefits and immunization evidence, which is not in alignment with the Temporary Assistance for Families in Idaho program. The term "student" eliminates the ability of the schools because Idaho state law says vaccination requirements are for a "child."

**Karen Sharpnick**, Idaho Immunization Coalition and Get Immunized Idaho, testified in **support** of **Omnibus Docket No. 16-0000-1900**. She shared letters from Idahoans requesting the immunization rule is kept in place.

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

**MOTION:** **Rep. Rubel** made a motion to approve **Omnibus Docket No. 16-0000-1900**.

**SUBSTITUTE MOTION:** **Rep. Vander Woude** made a substitute motion to approve **Omnibus Docket No. 16-0000-1900** with the exception of **Chapter 16.02.15 Section 100.05**, which will be rejected.

**AMENDED SUBSTITUTE MOTION:** **Rep. Zollinger** made an amended substitute motion to approve **Omnibus Docket No. 16-0000-1900** with the exception of **Chapter 16.02.15 Section 100.05** and **Chapter 16.06.01 Sections 559.01 and 559.02**, which will be rejected.

Responding to committee questions, **Ms. Prisock** explained Chapter 16.06.01 is part of the **Omnibus Docket No. 16-0000-1900F**, which will be presented next.

**MOTION WITHDRAWN:** **Rep. Zollinger** withdrew his amended substitute motion to approve **Omnibus Docket No. 16-0000-1900** with the exception of **Chapter 16.02.15 Section 100.05** and **Chapter 16.06.01 Sections 559.01 and 559.02**, which will be rejected.

**Dr. Christine Hahn** Medical Director, Division of Public Health, DHW, Idaho Epidemiologist, was invited to answer a question. She said Idaho has the highest exemption rate in the nation, due to our easy exemptions. When the meningitis vaccination became a mandate, awareness was raised while still allowing the opt out selection. Although many colleges require the vaccine, those not going to college were unaware of the seriousness of the disease. Educational information is provided to physicians and available on the public health website.

**AMENDED SUBSTITUTE MOTION:** **Rep. Kastning** made an amended substitute motion to approve **Omnibus Docket No. 16-0000-1900** with the exception of **Chapters 16.02.11, 16.02.12, and 16.01.15**, which will be rejected.

**Elke Shaw-Tulloch**, Administrator, Division of Health, DHW, was invited to answer questions. A "student," defined as a child attending school, can be used interchangeably with "child" without any legal conflict. It was decided to make no changes to the immunization rules this year.

**ROLL CALL VOTE:** **Rep. Wood** requested a roll call vote on **Omnibus Docket No. 16-0000-1900**. **Amended substitute motion failed by a vote of 3 AYE and 10 NAY. Voting in favor** of the amended substitute motion: **Reps. Zollinger, Christensen, Kastning. Voting in opposition** to the amended substitute motion: **Reps. Wood, Wagoner, Vander Woude, Gibbs, Blanksma, Kingsley, Lickley, Chew, Rubel, Burns.**

During committee discussion, **Rep. Lickley** read a letter from **Brian Kane**, Assistant Chief Deputy, Office of the Attorney General (AG) (See Attachment 1) regarding Chapter 16.06.01 Section 599.01 and the Fourth and Fourteenth Amendments.

**ROLL CALL VOTE:** Roll call vote was requested. **Substitute motion failed by a vote of 6 AYE and 7 NAY. Voting in favor** of the substitute motion: **Reps. Vander Woude, Blanksma, Kingsley, Zollinger, Christensen, Kastning. Voting in opposition** to the substitute motion: **Reps. Wood, Wagoner, Gibbs, Lickley, Chew, Rubel, Burns.**

**ROLL CALL VOTE:** Roll call vote was requested. **Original motion passed by a vote of 8 AYE and 5 NAY. Voting in favor** of the motion: **Reps. Wood, Wagoner, Gibbs, Blanksma, Lickley, Chew, Rubel, Burns. Voting in opposition** to the motion: **Reps. Vander Woude, Kingsley, Zollinger, Christensen, Kastning.**

**DOCKET NO. 16-0000-1900F:** **Tamara Prisock**, Administrator, DHW, Division of Licensing and Certification, Rules Review Officer, presented **Omnibus Docket No. 16-0000-1900F**. As with the previous rule, changes were in keeping with the Red Tape Reduction Act. Chapters were eliminated, names were simplified, and obsolete or redundant language was deleted. Streamlined language improves readability and ease of use. Restrictive language was removed to reduce regulatory burdens. Ms. Prisock agreed to send the committee a summary of the public meeting comments.

**Barbara Parshly**, Idaho Citizen, testified **in opposition** to **Omnibus Docket No. 16-0000-1900F**. The herd immunity concept was coined in 1933 for measles patterns when less than 69% of the children had developed a natural immunity, not referring to vaccinations. Vaccinations have their place, when a parent or person makes an informed decision.

**Elizabeth Healey**, Disable Veteran, testified **in opposition** to **Omnibus Docket No. 16-0000-1900F**, stating she is a vaccine-injured adult with a vaccine-injured child and opposes any vaccine mandates. It is important to keep the exemption options.

**Melody Brown**, Idaho Citizen, and parent of a severely vaccine-injured son, testified **in opposition** to **Omnibus Docket No. 16-0000-1900F**. The mandated vaccination takes away freedom of choice.

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

Invited to answer committee questions, **Dr. Christine Hahn**, Medical Director, Division of Public Health, DHW, Idaho Epidemiologist, said there are no changes in the parental opt-out right and there are no plans to eliminate those exemptions.

**MOTION:** **Rep. Wood** made a motion to approve **Omnibus Docket No. 16-0000-1900F** with the exception of **Chapter 16.02.08** of the rule for further review.

**SUBSTITUTE MOTION:** **Rep. Zollinger** made a substitute motion to approve **Omnibus Docket No. 16-0000-1900F** with the exception of **Chapter 16.02.08**, of the rule for further review, and **Chapter 16.06.01 Section 559**, which will be rejected.

Speaking to his motion, **Rep. Zollinger** expressed concern regarding the definition of the term "preferably" and the need for review to assure they rules coincide with constitutional rights.

**Miren Unsworth**, Administrator, Division of Family and Community Services, DHW, was invited to answer a question. The inquiry response from the AG's office specific to the constitutionality of Chapter 16.06.01 Sections 559.01 and 559.02 can be provided. When providing collateral contact as part of the assessment they are preferably asking the family individuals because they know the parenting style, the family, and the circumstances being investigated. This could include an investigatory officer. The family participation requirement was removed.

**VOTE ON SUBSTITUTE MOTION:** Roll call vote was requested. **Substitute motion failed by a vote of 5 AYE and 8 NAY. Voting in favor** of the substitute motion: **Reps. Vander Woude, Kingsley, Zollinger, Christensen, Kastning. Voting in opposition** of the substitute motion: **Reps. Wood, Wagoner, Gibbs, Blanksma, Lickley, Chew, Rubel, Burns.**

Regarding **IDAPA Chapter 16.02.08**, **Rep. Wood** said he understands there are two pieces of legislation coming to substitute for the rule. If either one succeeds, the rule will be taken up at that time. If none succeeds before February 28th, the rule deadline, the rule will be taken up by the committee. The DHW will not be left without a Vital Statistics Rule.

**VOTE ON ORIGINAL MOTION:**

**Chairman Wagoner** called for a vote on the original motion to approve **Omnibus Docket No. 16-0000-1900F**. **Motion carried by voice vote**. **Reps. Christensen, Zollinger, and Kastning** requested they be recorded as voting **NAY**.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 10:43 a.m.

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Representative Wagoner  
Chair

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Irene Moore  
Secretary