

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 26, 2020

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Wagoner, Representatives Vander Woude, Gibbs, Blanksma, Kingsley, Zollinger, Christensen, Lickley, Remington, Chew, Rubel, Davis

**ABSENT/
EXCUSED:** Vice Chairman Wagoner, Blanksma

GUESTS: Dr. Johanns, MD, Dr. Jud Miller, and Sandi Enzminger, Self; Blaine Conzatti, Family Policy Alliance; Jackie Wakefield, Right to Life Idaho; Toni Lawson, ID Hospital Assoc.; Rick Bassett, Idaho Nurses; Corey Surber, and Stewart Lawrence, St. Alphonsus; Julie Hammon, DHW; Shasta Kilminster-Hadley, IBOM; Christian Welp, Catholic Conference; David Ripley; Idaho Chooses Life

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

RS 27821: **Caroline Merritt**, Idaho Association of Chiropractic Physicians, presented **RS 27821**, proposed legislation to add a licensed Idaho chiropractor to the list of qualified professionals who can evaluate youth athletes and return them to a sport. Extra training requirements are stipulated.

MOTION: **Rep. Vander Woude** made a motion to introduce **RS 27821**. **Motion carried by voice vote.**

H 549: **Rep. Paul Amador**, District 4, presented **H 549** regarding licensing requirements for child and day care facilities. Updates reference other statutes for background checks. Safe sleep environment is included in the health standards, allowing parents to choose if their child is in a safe sleep environment. In alignment with federal requirements, three new offenses are added to the license denial list and an additional Department of Health and Welfare appeal avenue is provided.

MOTION: **Rep. Davis** made a motion to send **H 549** to the floor with a **DO PASS** recommendation.

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

VOTE ON MOTION: **Chairman Wood** called for a vote on the motion to send **H 549** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Amador** will sponsor the bill on the floor.

H 519: **Rep. John Vander Woude**, District 22, presented **H 519**. He shared the origins of this legislation, Simon's Law, and the death of an infant who had a do-not-resuscitate order (DNR) placed without his parents' knowledge. This legislation stipulates any DNR placement requires at least one parent's or legal guardian's approval, maintaining their rights.

Dr. Tim Johanns, Self, Neurological Surgeon, testified **in support** of **H 519**, stating neither he nor his colleagues place DNRs without long conversations with the families. This legislation should also address medical bill payments when treatment is against the parents' wishes.

MOTION: **Rep. Gibbs** made a motion to send **H 519** to the floor with a **DO PASS** recommendation.

Blaine Konzatti, Director, Family Policy Alliance, Idaho, testified **in support of H 519**. Parents have the right to be included in these decisions, focus on their child, and not fight with physicians over treatment.

Dr. Jud Miller, Emergency Family Physician, testified **in opposition to H 519**. He said any DNRs he has placed have been after many family conversations. Parents, who bring love and human bonding to the equation, must have a seat at the table and be allowed to transfer the child, if they disagree.

Jackie Wakefield, Legislative Assistant, Right to Life, Idaho, testified **in support of H 519**. This is significant pro-life legislation. It protects parental rights, provides transparency, enhances the dignity of children with disabilities, and combats the sanctity of life ethic's erosion in our culture.

Toni Lawson, Vice President, Government Relations, Idaho Hospital Association (IHA), testified **in opposition to H 519**, expressing the IHA's concern with the tenor and concept of the legislation. There is an assumption of conflict between the providers and patient families, with providers not honoring parental choices. The IHA was not contacted until after the bill was introduced and have had no response regarding their questions and concerns.

Any decision about medically futile care goes through a careful, deliberative review process. Mandating timelines actually eliminates parental rights. The 48-hour timeline will increase pain and suffering for parents who have already given consent by delaying their right to carry out their decision on their own terms. This legislation is not needed.

Answering questions, **Ms. Lawson** said the cost determination becomes complicated due to varied and high level case costs. Many code protections exist for removal of life sustaining treatment and facilities have DNR policies.

Rick Bassett, Critical Care Advanced Practice Registered Nurse, testified **in opposition to H 519**. This legislation introduces a component to fix a time frame for life-sustaining procedures. It introduces alternatives and medically inappropriate language with no focus on the individual needs of the children. The proposed stipulations are in conflict with existing law.

Mr. Bassett, responding to questions, stated care conferences include family members and determine the child's care treatments. Ethics consultations and multiple care conferences are used when conflicts arise.

Sandi Enzinger, Eagle Resident, testified **in support of H 519**. She shared how St. Luke's made an evaluation of her child's life, based on her chromosomes number, threatened child protection services intervention, and asked them when they wanted a DNR implemented. After much conflict, they were given permission to take their baby home on comfort care, expressing the opinion she would die within a month. An Omaha physician agreed to perform her daughter's successful heart surgery at 4 months of age. Today her daughter is thriving and growing just like any other baby. If they had listened to the doctors she would not be here today.

Upon committee questioning, **Ms. Enzinger** said there was no DNR placed on her child, but they were coerced and pushed towards thinking about end of life, fed hopelessness, and were told intervention would be futile, with her death being more humane.

Christian Welp, Catholic Church in Idaho, testified **in support of H 519**. This legislation does not suggest Idaho doctors are placing DNRs without parental input. It is currently legal for a DNR to be put on a patient's file legally without family notification.

David Ripley, Executive Director, Idaho Chooses Life, testified **in support of H 519**. Such incidences may not be known by the parents. Intervention is one thing, but no patient should be denied food and water to expedite their demise. This legislation affirms the value of every life and assures parents their right to be involved in decisions regarding their child's life and death.

Dr. Stewart Lawrence, NICU Medical Director, St. Alphonsus Hospital, Past Medical Director, St. Luke's Hospital, testified **in opposition to H 519**. Placing a DNR without extensive conversation and agreement with families would be horrific and something he has not witnessed. Processes and systems exist to compel physicians to discuss a baby's issues and treatment with their families. The waiting period and resulting extraordinary levels of care could create unnecessary pain and suffering for the babies and their families.

Responding to questions, **Dr. Lawrence** explained families and health care providers work together as a humane and compassionate team. An ethics committee exists to assist when there is a dispute.

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

Committee discussion included concern regarding compassionate care, the possibility that seventeen year olds who are ready to make a final decision are overridden by their parent, undermining parental wishes, and withdrawal of life support if a transfer is delayed.

SUBSTITUTE MOTION:

Rep. Rubel made a substitute motion to **HOLD H 519** for time certain, March 4, 2020.

UNANIMOUS CONSENT REQUEST:

Rep. Gibbs made a unanimous consent request to withdraw his original motion to send **H 519** to the floor with a **DO PASS** recommendation. **Rep. Zollinger** objected.

In closing remarks, **Rep. Vander Woude** said the budget writers provided the fiscal note numbers because the hospital association could not provide the data.

ROLL CALL VOTE:

Roll call vote was requested. **Substitute motion failed by a vote of 5 AYE, 6 NAY, 2 Absent/Excused. Voting in favor of the substitute motion: Reps. Wood, Gibbs, Chew, Rubel, Davis. Voting in opposition to the substitute motion: Reps. Vander Woude, Kingsley, Zollinger, Christensen, Lickley, Remington. Reps. Wagoner, Blanksma were absent/excused.**

VOTE ON ORIGINAL MOTION:

Chairman Wood called for a vote on the motion to send **H 519** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Chew, Davis and Rubel** requested they be recorded as voting **NAY**.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 10:36 a.m.

Representative Wood
Chair

Irene Moore
Secretary