

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, March 04, 2020

TIME: 8:00 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:** 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 8:05 a.m.

MOTION: **Rep. Christensen** made a motion to approve the minutes of the February 26 and 27, 2020, meetings. **Motion carried by voice vote.**

H 342aaS: **Rep. Blanksma**, District 23, presented **H 342aaS**. The Senate amendment removes a portion of 54-5705(1) regarding general sufficient technology with "use of two-way audio and audio-visual interaction." Although this terminology is not broad enough to cover existing and future rapid technology changes, Rep. Blanksma recommended the committee concur with the amendment.

MOTION: **Rep. Gibbs** made a motion to concur with the amendments made in the Senate to **H 342aaS**. **Motion carried by voice vote. Chairman Wood** will report on the floor.

DOCKET NO. **Elke Shaw Tulloch**, Administrator, Department of Health & Welfare (DHW),
16-0000-1900F presented **IDAPA 16.02.08** of **Docket No. 16-0000-1900F**, which was presented
IDAPA January 9, 2020, and held for separate discussion. The chapter provides guidance
16.02.08: related to vital records, forms, registration requirements, amendments, reporting,
and outlining associated fees.

MOTION: **Rep. Vander Woude** made a motion to approve **Docket No 16-0000-1900F**,
IDAPA 16.02.08 with the exception of Section 201, Subsection 06.

Kathy Griesmyer, Policy Director, American Civil Liberties Union Idaho, testified in
support of IDAPA 16.02.08. The existing birth certificate gender marker affirms
gender expression, reduces harassment, eliminates discrimination, and addresses
public safety concerns. Over 100 adults and fifteen minors have successfully
applied to make this change, which does not jeopardize the veracity of state
documents.

Chairman Wood requested a letter from **Lambda Legal** stating they are in **support**
of **IDAPA 16.02.08** be entered into the committee minutes. (See attachment 1)

Emilie Jackson Edney, Idaho Citizen, testified in **support of IDAPA 16.02.08**.
She complimented the DHW vital statistics department for being professional and
proficient when changing her vital statistics records. Because all of her identity
documents are now congruent with her name and marker, her individual liberty,
autonomy, and dignity are preserved. Her original birth certificate is still public
record.

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

**SUBSTITUTE
MOTION:** **Rep. Davis** made a substitute motion to approve **Docket No. 16-0000-1900F**,
IDAPA 16.02.08 in its entirety.

Commenting to her motion, **Rep. Davis** stated approval in full is in compliance with legal rulings and shows all Idahoans they are valid.

Rep. Vander Woude reminded the committee recent legislation covering this topic has passed the House and is the reason to not approve the entire section.

**VOTE ON
SUBSTITUTE
MOTION:**

Chairman Wood called for a vote on the substitute motion to approve **Docket No. 16-0000-1900F, IDAPA 16.02.08** in its entirety. **Motion failed by voice vote.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Wood called for a vote on the original motion to approve **Docket No. 16-0000-1900F, IDAPA 16.02.08 with the exception of Section 201, Subsection 06.** **Motion carried by voice vote.** **Reps. Davis** and **Rubel** requested they be recorded as voting **NAY**.

H 577:

Rep. Brian Zollinger, District 33, presented **H 577**, which is a reiteration of previous legislation to add chiropractic physicians to the list of medical professionals who can return an athlete under 18 years of age to play after a concussion. An educational piece has been added to more clearly define what education chiropractic physicians need to be proficient and assure the athletes are safe to return to play. This is more important in rural areas where there is a lack of access to qualified physicians, leaving the coaches to make the decisions.

Caroline Merritt, Idaho Association of Chiropractic Physicians, testified **in support** of **H 577**. This will bring the chiropractic scope of practice in line with athletic trainers, who they supervise. She gave an overview of the education acquired by chiropractic physicians, including specialized additional education.

Matt Kaiserman, Self, testified **in opposition** to **H 577**. He shared his concern regarding the lack of input from youth sports stakeholders. Because this is a complex injury, which takes up to 24 hours for symptoms to fully manifest, returning to athletes play too quickly can have a variety of consequences, including death. This legislation, rather than provide a resource to return athletes to play, needs to focus on providing the time and appropriate care for recovery.

Dr. Kurt Nilsson, Team Physician, the College of Idaho, the US Ski Team, and the US Soccer Federation, Medical Director, St. Luke's Concussion Clinic and Applied Research, testified **in opposition** to **H 577**. Concussions, which are traumatic brain injuries, may require long term care for neurologic recovery. Identifying the appropriate concussion providers is important. Chiropractic training does not intersect with the other medical professionals who constitute the team treating a brain injury. He shared concern regarding the existing training program and the ability of the Chiropractic Board to judge the quality of any training program.

Luke Bahnmaier, Vice President, Idaho Athletic Trainers Association, testified **in opposition** to **H 577**. This legislation requires trainer competencies, which cannot be learned in a continuing education one-hour course or weekend workshop. The language does not identify how chiropractic physicians will be certified or recognized upon completion of the mandates. The American Board of Chiropractic Sports Physicians has a list of providers who have passed the athletic exam and are current with their course. No one in Idaho is on the registry. A more collaborative manner is needed.

Dr. Spencer Zimmerman, Doctor of Chiropractic, licensed Nurse Practitioner, testified **in support** of **H 577**. He has treated individuals with concussions, both acute and chronic, and agrees with the importance of immediate treatment. Chiropractic training includes the cervical spine, which is often missed in concussion evaluations. Chiropractors excel in evaluating function, which is important with this invisible injury. These injuries impact the growing number of athlete suicides. Answering a question, Dr. Zimmerman explained the right imaging has to be done to assure the student has actually recovered.

Dr. Tim Klana, Chiropractic Physician, testified **in support** of **H 577**. This legislation increases their education further to appease their licensing board and align with other professionals. Referrals to other professionals are not always available in rural areas.

Dr. Rob Sanders, Chiropractic Physician, testified **in support** of **H 577**. As a recent graduate, he shared his training, which included the SCAT5 protocol along with simulated concussion evaluation and treatment. As physicians, any time a referral is needed, they must comply.

Anne Lawler, Executive Director, Idaho Board of Medicine, which also has the Board of Athletic Trainers, testified **without an opinion** regarding **H 577**. They worked with the legislation's sponsor to assure all authorized parties have had adequate education in all aspects of concussion and brain injury management. In response to a question, Ms. Lawler said the proposed language was paraphrased from the Standards 76 section of The Standards for Accreditation of Professional Athletic Training Programs.

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

MOTION:

Vice Chairman Wagoner made a motion to send **H 577** to the floor with a **DO PASS** recommendation.

Kelley Packer, Bureau Chief, Bureau of Occupational Licenses (BOL), was invited to answer a question. If **H 577** is passed, the BOL will take on the standards of negotiated rule making, with input from stakeholders, to determine authority and course requirements. The resulting rules will be brought to the Legislature next year for approval prior to implementing the certification process.

Committee discussion included giving rural Idaho a chance to benefit from this added support professional, concern surrounding long term concussion implications, and the need for a team of medical practitioners.

VOTE ON MOTION:

Chairman Wood called for a vote on the motion to send **H 577** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** requested she be recorded as voting **NAY.** **Rep. Zollinger** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 9:23 a.m.

Representative Wood
Chair

Irene Moore
Secretary