

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Thursday, March 05, 2020

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Martin, Vice Chair Souza, Senators Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

**ABSENT/ EXCUSED:** Senator Heider

**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 to order the meeting of the Senate Health and Welfare Committee (Committee) at 3:07 p.m.

**H 438** **Representative Priscilla Giddings** introduced **H 438**, Relating to Prevention of Blindness and Diseases in Infants. She said that there was an increase in home births because of the high costs of medical care. She said their goal is to remove penalties that criminalise parents who birth their children at home and choose not to supply the state with newborn screening data, and to clean up Idaho Code. She explained that some of the language in Idaho Code was adopted in 1921.

**DISCUSSION:** In response to Vice Chair Souza, Senator Bayer, Senator Lee, and Senator Harris, **Representative Giddings** said the rules are redundant and stated that cleaning up code is part of the due diligence of state officials. She explained that the changes do not negatively impact the health or safety of newborns, as reporting will not cease. She added that many states are removing this requirement from their laws and that she did get input from the Department of Health and Welfare (DHW); it is their input that guided her to remove the penalties and not merely update the exemptions.

**MOTION:** **Senator Bayer** moved to send **H 438** to the floor with a **do pass** recommendation. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**. Senator Bayer will sponsor the bill.

**H 549** **Representative Amador** presented **H 549**, Relating to Daycare Facilities. He explained that it is an update to the daycare licensing requirements for the State of Idaho. The intention is to make requirements clear for criminal history checks for owners, operators, and employees of daycare facilities, and to remove outdated verbiage and update criminal background checks to comply with other sections. He said **H 549** deletes the limited criminal history check because it is no longer offered in Idaho. Another change pertains to infant sleep areas.

**DISCUSSION:** In response to Chairman Martin, **Representative Amador** said that the term "babies sleeping alone" refers to cribs without toys, blankets, and pillows. He said children may have specific medical conditions where they cannot sleep on their backs so they focused the language on the parent's ability to choose. Parents may be assured that their childcare facility offers this sleep environment, and it is their choice to utilize it. **Senator Bayer** sought assurance that childcare facilities would not be penalized for children rolling onto their stomachs while they sleep. **Representative Amador** said that language was added to protect the parents and the childcare facilities from children rolling onto their stomachs.

In response to questions from the Committee, **Shannon Brady**, Deputy Administrator for the Division of Welfare, DHW, said **H 549** specifically speaks to the licensing status of an individual running a center or home-based care delivery area. She said that **H 549** complied at the federal level that daycare owners are subject to licensing and the license application requires a background check. Employees are also subject to background checks.

- TESTIMONY:** Written testimony was provided in a letter from Tom Lovell, President, Professional Fire Fighters of Idaho. See attachment 1.
- MOTION:** **Vice Chair Souza** moved to send **H 549** to the floor with a **do pass** recommendation. **Senator Jordan** seconded the motion.
- DISCUSSION:** **Senator Bayer** stated she won't oppose the motion but reserves the right to change her mind on the Senate floor.
- VOICE VOTE:** The motion carried by **voice vote**. Senator Lee will carry it to the floor.
- H 531** **Relating to Telehealth.** **Julie Hart**, representing Ideal Option, said the Board of Medicine (BOM) requested a definition of medication-assisted treatment (MAT) and that this language comes from the BOM. The new, additional language ensures access to more patients by removing the restriction that the patient must be physically located in a hospital or research clinic. See attachment 2.
- TESTIMONY:** **Dr. Richard Mattis**, representing Ideal Option, a MAT provider, explained what is regularly monitored by a licensed health care practitioner. He said they routinely do urine samples or buccal swabs on all of their patients and that telemedicine provides a flexible business model. He said he personally treats 25 to 50 patients per day. Relating to pill counts, the best standard of care is to provide enough of their prescription until the patient's next visit. He said that takes away the need for pill counts and that typically a patient is seen every three to four months. See attachment 3.
- Anne Lawler**, Executive Director, BOM, said that this bill opens the possibility to prescribe medications and therapy by telehealth to any license holder who wishes to perform this type of practice in Idaho. The board wants to ensure this type of therapy is provided in person or by telehealth according to the standard of care. The board requested they meet with the bill sponsor and they proposed language to guarantee that they are seeing the patient in person at regular intervals to perform personal safety checks, pill counts, and drug tests, and to make sure they're getting the support they need. She said they are still unclear how **H 531** and the Telehealth Act work with the federal requirements or the Ryan Haight Act, which limits the prescription of controlled substances on the internet or via telehealth.
- DISCUSSION:** **Ms. Hart** responded to Committee members who inquired about a path to keep language concurrent with the language she proposed while also preventing detraction from the Federal Drug Administration's definition. She said that they would work with Ms. Lawler should the bill go to the amending order.
- MOTION:** **Senator Bayer** moved to send **H 531** to the 14th Order of Business for possible amendment. **Vice Chair Souza** seconded the motion.
- SUBSTITUTE MOTION:** **Senator Jordan** moved that **H 531** be held in Committee. **Senator Lee** seconded the motion.
- DISCUSSION:** **Senators Jordan** and **Lee** expressed that **H 531** would benefit from a few months of analysis.
- ROLL CALL VOTE:** **Chairman Martin** called for a roll call vote on the substitute motion. **Vice Chair Souza** and **Senators Lee, Harris, Burtenshaw, Jordan,** and **Nelson** voted aye. **Senator Bayer** and **Chairman Martin** voted nay. The motion carried.

**MINUTES  
APPROVAL:**

**Vice Chair Souza** moved to approve the Minutes of January 23, 2020. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**Senator Jordan** moved to approve the Minutes of February 4, 2020. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**Senator Bayer** moved to approve the Minutes of February 10, 2020. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Martin** adjourned the meeting at 4:23 p.m.

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Senator Martin  
Chair

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Margo Miller  
Secretary

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Bryce DeLay  
Assistant to the Secretary