

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

- DATE:** Monday, February 01, 2021
- TIME:** 9:00 A.M.
- PLACE:** Room EW20
- MEMBERS:** Chairman Wood, Vice Chairman Vander Woude, Representatives Gibbs, Blanksma, Kingsley, Christensen, Lickley, Erickson, Ferch, Mitchell, Chew (Colwell), Rubel, Davis (Burns)
- ABSENT/
EXCUSED:** Representative(s) Christensen
- GUESTS:** Nicki Chopski, IBOP/DOPL; Tim Frost and Svetlana Chorny, IDOPL
Chairman Wood called the meeting to order at 9:00 a.m.
- MOTION:** **Rep. Lickley** made a motion to approve the January 26, 2021, meeting minutes with the correction showing **Reps. Blanksma** and **Christensen** as absent and excused. **Motion carried by voice vote.**
- RS 28332:** **Rep. Brandon Mitchell**, District 5, presented **RS 28332**, which replaces **H 34** to remove the health order code five-mile jurisdiction radius inclusion. This proposed legislation removes both the five- and one-mile jurisdiction radii listed in the code, bringing it into compliance with the Idaho State Constitution.
- MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28332**. **Motion carried by voice vote.**
- H 35:** **Dr. Scott Hutton**, Epidemiology Section Manager, DHW, Division of Public Health, presented **H 35**. This legislation repeals Title 66, Chapter 10, Idaho Code, regarding the Idaho Tuberculosis Hospital (TB). Established in 1941, the highly advanced Gooding hospital opened in 1946 to serve the increasing TB incident rate. With advances in treatment and decreased incident rates, the hospital was closed. Current incident rates are below one per 100,000 Idahoans, with collaborative care providing safe patient discharge. The Division of Public Health continues to maintain knowledgeable TB staff who work with health care partners, a critical component in the prompt initiation of treatment without a need for a specialized hospital. There is no expected impact on the high quality of care being provided to TB patients.
For the record, no one indicated their desire to testify.
- MOTION:** **Rep. Rubel** made a motion to send **H 35** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Rubel** will sponsor the bill on the floor.
- H 36:** **James Aydelotte**, State Registrar, Bureau Chief, Bureau of Vital Records and Health Statistics, Division of Public Health, DHW, presented **H 36**. As a part of the Red Tape Reduction Act, the requirement for a physician to file a couple's written artificial insemination consent is deleted. This type of filing has never been used and neither the Bureau nor the DHW has a purpose for receiving these consent forms.
The updates for disclosure of vital records information impact birth certificate duplications and changes, which are two areas where fraud can be identified. Changes also provide better agency information for child health and safety for such things as parentage or citizenship determination.
For the record, no one indicated their desire to testify.

- MOTION:** **Rep. Gibbs** made a motion to send **H 36** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Rubel** will sponsor the bill on the floor.
- H 37:** **Tim Frost**, Regulatory Affairs Manager, Division of Occupational and Professional Licenses (DOPL), on behalf of the Board of Nursing, presented **H 37**, with changes to improve the board's immediate disciplinary authority when a licensee pleads guilty to a criminal conviction. Currently the board is required to wait until the due legal process is complete before any disciplinary action can be taken. This delay allows the licensee to continue to practice, impacting public safety.
- For the record, no one indicated their desire to testify.
- MOTION:** **Rep. Blanksma** made a motion to send **H 37** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.
- H 38:** **Tim Frost**, Regulatory Affairs Manager, DOPL, on behalf of the health profession section of DOPL, presented **H 38** to update the Telehealth Access Act to mirror federal exemptions for substance telehealth prescribing. In response to the COVID-19 public health emergency, the Drug Enforcement Administration (DEA) adopted policies allowing DEA-registered practitioners to prescribe controlled substances through telehealth, forcing **Governor Little** to waive Idaho's more restrictive law. The changes seek to avoid this situation in the future by allowing Idaho licensed providers to quickly adapt to any new allowances afforded by the DEA.
- MOTION:** **Rep. Blanksma** made a motion to send **H 38** to the floor with a **DO PASS** recommendation.
- Monica McKinley**, testified in opposition to **H 38**. She said the face-to-face interview can do a better job visually evaluating a patient to identify situations like her friend's, who stockpiled telehealth dispensed medication and committed suicide.
- For the record, no one else indicated their desire to testify.
- VOTE ON MOTION:** **Chairman Wood** called for a vote on the motion to send **H 38** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kingsley** requested he be recorded as voting **NAY.** **Vice Chairman Vander Woude** will sponsor the bill on the floor.
- H 39:** **Tim Frost**, Regulatory Affairs Manager, DOPL, on behalf of the health profession section and Board of Pharmacy (BOP), presented **H 39**. This legislation updates the Controlled Substance Act for oversight transition of the Prescription Drug Monitoring Program (PDMP) from the BOP to DOPL. The oversight changes include a new division definition and replaces BOP references to DOPL. The PDMP access is revised to include DOPL employees. One additional change allows pharmacists or prescribers to determine their number of delegates. There are no changes to the PDMP's structure, service, or provided information. All changes will improve both operational efficiencies and interaction between agencies. Answering a committee question, Mr. Frost said Title 67 contains the DOPL rule making authority, making it unnecessary in this statute.
- For the record no one indicated their desire to testify.
- MOTION:** **Rep. Gibbs** made a motion to send **H 39** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erickson** will sponsor the bill on the floor.
- H 40:** **Tim Frost**, Regulatory Affairs Manager, DOPL, on behalf of the BOP, presented **H 40**, which amends the Wholesale Drug Distribution Act within Title 54, Chapter 17, Pharmacy Practice Act.

Restrictions are removed for both the age for immunizations received from a pharmacist and pharmacists providing compounded and biologic products for patients. These were waived during COVID-19 to allow continued safe pharmacist services access and aligns with changes made by the U.S. Department of Health and Human Services (HHS).

Additional streamlining includes adding or relocating definitions and requirements, removing repetitive and duplicative language, as well as changing "license or registration" references to a "certificate" for clarity. This does not create any new licenses, registrations, or certifications, and does not add any occupational licensing barriers. Clarification is also made to allowances for healthcare professionals prescribing naloxone or epinephrine by removing duplicated explanations.

Responding to committee questions, **Mr. Frost** explained the state Drug Distribution Act was enacted prior to the federal Drug Quality and Security Act for compounding and the Drug Supply Chain Security Act. The board, with stakeholder input, determined the stringent Idaho statute was inconsistent with both of those acts and placed unnecessary burdens upon the licensees. The immunization changes mirror the HHS declaration under the Public Readiness and Emergency Preparedness Act (PREP Act) which allows certified pharmacy personnel to give childhood vaccinations. Immunology, appropriateness, and adverse reactions for all patient age groups are part of current curriculums and available as continuing education. Provision is made to allow pharmacists to prescribe and administer medication necessary to handle adverse reactions.

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

MOTION: **Rep. Lickley** made a motion to send **H 40** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Chairman Wood** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:53 a.m.

Representative Wood
Chair

Irene Moore
Secretary