

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 01, 2021

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Martin, Vice Chairman Riggs, Senators Heider, Harris, Agenbroad, Zito, Stennett, and Wintrow

ABSENT/ EXCUSED: Senator Lee

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 the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:02 p.m.

GUBERNATORIAL REAPPOINTMENT VOTE: **Chairman Martin** called for the vote on the gubernatorial reappointment of Wendy Jaquet to the Board of Health and Welfare.

MOTION: **Senator Stennett** moved to send the gubernatorial reappointment of Wendy Jaquet to the floor with the recommendation that she be confirmed by the Senate. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

S 1016 **Relating to the Respiratory Care Practice Act.** **Anne Lawler**, Executive Director, Idaho State Board of Medicine (BOM), introduced herself to the Committee. **Ms. Lawler** described the function of the BOM. She stated **S 1016** rewrites the Respiratory Therapy Care Act (Act), which was enacted in 1991 and last updated in 2003. **Ms. Lawler** explained the bill aligns the Act with current respiratory practice, deletes outdated language, and clarifies the licensure and regulation of Idaho respiratory therapists and polysomnographers. She commented the bill is the result of a two-year collaborative effort by BOM Board Members, BOM staff, and the Idaho Society for Respiratory Care (Society). **Ms. Lawler** said the BOM circulated the draft legislation among relevant stakeholders and received no comments or concerns.

Ms. Lawler advised the bill was written to repeal and replace the Act rather than amend it due to the extensive revisions. She listed the specific changes: 1.) Removed obsolete and unnecessary provisions and definitions from several sections of the Act; 2.) Aligned BOM membership and terms with other allied health boards' practice acts; 3.) Updated qualifications for licensure and permitting and removed some permit types; 4.) Added a two-year renewal option; and 5.) Moved specific licensure requirements to a form. **Ms. Lawler** reported that the bill does not add any regulation or create new licensure. She stated it creates no fiscal impact to the General Fund or the BOM's dedicated fund.

Ms. Lawler commented that respiratory therapists work with patients on a medical level and have special skills to improve health outcomes. She compared the Act to the Hubble Space Telescope, which was state-of-the-art technology when it was launched in 1990 but has now been surpassed by newer technologies. She urged the Committee to send **S 1016** to the floor with a **do pass** recommendation.

DISCUSSION:

Senator Wintrow asked for assurance that all relevant stakeholders are in agreement with the bill due to the extensive rewrite of the Act. **Ms. Lawler** answered the BOM worked very closely with the Society, and a number of BOM Board Members belong to it. She added the BOM provided the bill to the Idaho Medical Association, Idaho Hospital Association, and relevant facilities with respiratory therapists and polysomnographers on staff, and all were in favor of reworking the Act because it is lengthy and difficult to read.

Senator Zito inquired about the reason for removing the definition of the word "person" from the Act. **Ms. Lawler** explained the word is adequately defined elsewhere in Idaho Code or other State governing documents.

Senator Stennett asked about the reference to Idaho Code § 54-4318 and commented her copy of the bill only extends to Idaho Code § 54-4315. She inquired about the process for determining a misdemeanor penalty and the reason for a severability clause. **Ms. Lawler** responded Sections 54-4316 through 54-4318 were completely deleted, and any necessary language in the deleted sections was incorporated elsewhere in the bill. She added that language regarding use or display of professional credentials was deleted because unlicensed practice is already covered in the misrepresentation section of the bill. **Ms. Lawler** explained if the BOM receives information that someone is practicing respiratory care without a license, the BOM first conducts an investigation and attempts to educate the person about the need for licensure. She added if the person refuses to cease the unlicensed practice, then the BOM refers the matter to a local county attorney's office to prosecute the case as a misdemeanor. **Ms. Lawler** said she does not know the reason for the severability clause, but she believes it is simply to ensure that finding any part of the Act unenforceable would not render the rest of the Act unenforceable.

Senator Wintrow asked for the positive outcomes of passing the bill and the potential negative outcomes if the bill is not passed. **Ms. Lawler** responded the positive outcomes include a more readable practice act that is easier for licensees and the public to understand. She added the licensure and education process was streamlined and brought current. **Ms. Lawler** reported that respiratory therapy started out as a profession for which there was no formal training, but now there is a specific course of study for the profession. She explained the bill allows current licensees who did not complete the education program to remain licensed, while specifying that new licensees must meet the educational requirements. **Ms. Lawler** added the licensure process has not changed but the bill makes it more concise.

Chairman Martin asked for clarification that an existing licensee can continue with the license even with the proposed changes to the Act. **Ms. Lawler** answered a person who obtained accreditation by on-the-job training can maintain that accreditation as long as they practice to the current standard of care and complete continuing education requirements. She stated the Act as written could be confusing to a new licensee.

MOTION:

Senator Wintrow moved to send **S 1016** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

S 1038

Relating to Public Assistance. **Matt Wimmer**, Administrator, Division of Medicaid, Idaho Department of Health and Welfare (DHW), introduced himself to the Committee. Mr. Wimmer reported the bill deletes Idaho Code §§ 56-209m, 56-236, 56-241, and 56-242 because they refer to programs that have been replaced or are obsolete. **Mr. Wimmer** advised the deleted programs include a pilot weight-management program that was incorporated as part of a wellness program in another section of Idaho Code, and several programs that were rendered obsolete by the establishment of the Idaho Health Insurance Exchange in 2013.

DISCUSSION:

Senator Wintrow asked for confirmation that DHW is reducing red tape. **Mr. Wimmer** replied in the affirmative.

MOTION:

Senator Wintrow moved to send **S 1038** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairman Martin** adjourned the meeting at 3:28 p.m.

Senator Martin
Chair

Jeanne Jackson-Heim
Secretary