

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, March 09, 2021

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

**PLACE:** Room WW54

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

**ABSENT/ EXCUSED:** None

**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 3:10 p.m.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Agenbroad** moved to send the Gubernatorial appointment of Chad Henggeler to the State Board of Health and Welfare (Board) to the floor with the recommendation that he be confirmed by the Senate. **Senator Heider** seconded the motion.

**DISCUSSION:** **Chairman Martin** noted that Mr. Henggeler has no health experience on his resume, but the Board already has several medical professionals as members and would benefit from including a business person. He stated Mr. Henggeler will learn a lot and be an asset to the Board.

**Senator Stennett** agreed with Chairman Martin's comments and added that she was impressed with Mr. Henggeler's answer about his handling of COVID-19 safety protocols at his packing company. She said he sounds thoughtful and will be helpful to the Board.

**VOICE VOTE:** The motion to send the Gubernatorial appointment of Mr. Henggeler to the floor with the recommendation that he be confirmed by the Senate carried by **voice vote**.

**S 1128** **Relating to Naturopathic Practitioner Licensing.** **Brody Aston**, representing the Naturopathic Physicians Association of Idaho (NPAI), introduced himself to the Committee. **Mr. Aston** stated that **S 1128** will improve access to health care and protect the public by licensing naturopathic practitioners according to their education, skills, and abilities. He explained that legislation passed in 2019 provided for licensing some naturopathic practitioners, and the bill creates a structure to license the remaining naturopaths who want to be licensed. **Mr. Aston** stated that the NPAI has had numerous conversations with stakeholders regarding necessary changes to the bill. He asked that the Committee send it to the 14th Order of Business for possible amendment.

**MOTION:** **Senator Zito** moved to send **S 1128** to the 14th Order of Business for possible amendment. **Senator Heider** seconded the motion.

**DISCUSSION:** **Chairman Martin** stated his intent to hear public testimony prior to the vote on the motion. He added that if the motion succeeds and the bill is significantly amended by the Senate, he will ask to have it returned to the Committee for a hearing on the amended bill.

**Senator Wintrow** commented she would appreciate hearing testimony to ensure stakeholder concerns are addressed in the amendments. **Chairman Martin** agreed that testimony might help the stakeholders reach consensus. He added that the bill likely must be amended in order to achieve success in both houses of the Legislature.

**TESTIMONY:**

**Kris Ellis**, representing the Idaho Chapter of the American Association of Naturopathic Physicians (AANP), introduced herself to the Committee. **Ms. Ellis** testified in opposition to **S 1128** for the following reasons:

- Some traditional naturopaths do not want to be licensed and might be put out of business.
- Naturopaths who obtained a degree from a four-year medical program and passed a national exam are already licensed.
- The bill does not address concessions made by the AANP during consideration of the 2019 licensing legislation.

**Ms. Ellis** suggested that traditional naturopaths who do not presently qualify for licensure could instead be registered with the State. She requested that the AANP be included in discussions on possible amendments to the bill.

**DISCUSSION:**

**Senator Wintrow** asked what it would mean to be registered. **Ms. Ellis** responded the State could maintain a list of Idaho natural care providers who were fingerprinted and passed a criminal background check. She added if there was a complaint, the State could revoke the registration and possibly take disciplinary action against the registrant. **Senator Wintrow** suggested that the Idaho Division of Occupational and Professional Licenses (DOPL) address a possible registration process.

**Nicki Chopski**, Health Professions Section Chief, DOPL, introduced herself to the Committee to respond to Senator Wintrow's question. **Dr. Chopski** replied that DOPL would have to carefully consider the issue of registration versus licensure because the terms can be confusing to the public. She reported the bill should be amended to ensure the scope of practice for each profession is well defined. **Dr. Chopski** advised that DOPL would look at national education accreditation standards to determine each scope of practice and the standard of care. She noted the bill should include a disciplinary process. She said it will be important for DOPL to work closely with the sponsor to address these issues.

**Chairman Martin** asked whether there is a benefit to the public of licensing naturopathic practitioners. **Dr. Chopski** replied that patient safety is tied to licensure. She mentioned that licensure conveys assurance that a health care provider was vetted for education, training, and a criminal background check. It also allows a patient to research disciplinary records, she said.

**Senator Stennett** asked if there is an Idaho accreditation board for medical practitioners. **Dr. Chopski** answered that accreditation is done through national organizations that set standards of practice for patient care, and there is no Idaho-specific accreditation body. **Senator Stennett** asked how DOPL would determine accreditation standards for the broad range of professions listed in the bill. **Dr. Chopski** agreed that issue requires clarification. She stated that **S 1128** would allow some professionals to practice outside their training or normal scope of practice. **Senator Stennett** commented it is confusing to distinguish between various titles and acronyms. She inquired how the bill would help the public understand if a practitioner is trained or qualified to perform a service. **Dr. Chopski** agreed that naming and terminology must be clear to the public. She added that the scope of practice must be directly related to a practitioner's education, training, and experience. **Dr. Chopski** noted that the July 1, 2021,

effective date in the bill does not allow sufficient time for a new board to be organized and promulgate rules.

**Chairman Martin** summarized Dr. Chopski's testimony as follows: The naming is important; training requirements must be clarified; training will determine scope of practice; and a disciplinary system must be established. **Dr. Chopski** replied that summary is accurate and is consistent with the functioning of all other Idaho occupational and professional licensing boards.

**TESTIMONY:**

**Caroline Merritt**, representing the Idaho Association of Chiropractic Physicians (IACP), testified in opposition to **S 1128**. **Ms. Merritt** reported that some IACP members would qualify for licensure, but the IACP opposes the bill for the following reasons:

- The IACP was not included in drafting the legislation.
- The scope of practice is too broad and would allow naturopath licensees to practice chiropractic medicine without a chiropractic license.
- The bill creates unlimited prescribing rights for naturopaths with no checks or balances, which would endanger the public.

**DISCUSSION:**

**Senator Wintrow** asked for clarification about IACP's involvement with the bill. **Ms. Merritt** replied that the IACP participated in discussions regarding the 2019 legislation but was not involved in drafting **S 1128**.

**Senator Stennett** commented that a small number of chiropractors think this bill is helpful, and she asked for clarification on the IACP's position. **Ms. Merritt** responded that the IACP is concerned that naturopath licensees will be held to lesser standards than chiropractors licensed under the Idaho Chiropractic Practice Act.

**TESTIMONY:**

The Committee heard testimony in favor of **S 1128** from: Dr. Lynn Hansen and Dr. Tilden Sokoloff, representing the Naturopathic Physicians Association of Idaho; and Dr. Colby Inzer, representing the American Naturopathic Association. Their reasons for supporting the bill included:

- The bill will protect the public by bringing all naturopaths under one licensing umbrella.
- Many nationally recognized bodies approve training that will allow vetting of an applicant's credentials.
- Licensees will complete appropriate training and not exceed their respective scopes of practice.
- The proposed amendments will address all outstanding concerns and extend the date for required licensure to July 1, 2022.
- A board of peers will create appropriate standards of care and a standardized credentialing method.

**Senator Stennett** asked about the composition of the formulary committee and who would determine whether an applicant meets the requirements for licensure. **Dr. Hansen** responded that the proposed formulary committee will comprise a variety of trained and accredited health professionals. He stated the formulary committee would define each profession's scope of training and knowledge base.

**TESTIMONY:**

The Committee received written and in-person testimony in opposition to **S 1128** from: Jamie Neill, representing the Idaho Medical Association; Dr. Diane Crumrine, representing the AANP; and Julie Coombs and Dr. Marcus Greene, representing the American Naturopathic Medical Association. Their reasons for opposing the bill included:

- The sponsors did not submit their proposal to the Occupational and Professional Licensure Review Committee for sunrise review.
- There is insufficient time to promulgate administrative rules and establish licensing processes prior to the bill's July 1, 2021, effective date.
- The bill lacks specificity on the requirements to become a naturopathic doctor, and it does not require applicants to pass a proficiency exam.
- The titles authorized by the bill will lead to more confusion for the public.
- The bill will result in fewer choices and higher costs for the public.
- Existing naturopathic licensing law is sufficient.
- Some naturopathic practitioners would be put out of business.
- Important stakeholders were not included in drafting the legislation.

**SUBSTITUTE MOTION:**

**Senator Lee** moved to hold **S 1128** in Committee. **Senator Wintrow** seconded the motion.

**DISCUSSION:**

**Senator Lee** commented that this is an important bill but sending it to the 14th Order of Business is not the best action. She noted there is still time for the parties to work together to bring forward appropriate amendments.

**Senator Stennett** advised she talked to a number of constituents and there is support for the bill. She stated that sending it to the 14th Order of Business is not the most efficient way to iron out differences among the parties. She said she will support the substitute motion.

**Chairman Martin** mentioned that he has not seen any amendments to the bill but is committed to helping the process.

**Senator Wintrow** agreed the bill addresses an important issue but she is confused and wants to make sure it is written correctly.

**Senator Heider** asked if the amendments to the bill are already drafted. **Mr. Aston** responded that some amendments have been prepared, but they are incomplete and do not address every known concern.

**Senator Wintrow** asked if the Chair recalls the bill, whether it can be sent to the 14th Order of Business at that time. **Chairman Martin** answered that either **S 1128** can go to the 14th Order of Business to be amended, or the Committee would have to make a unanimous consent request to send a new RS to a privileged committee for printing and return to the Committee. **Senator Lee** added that if agreed amendments come forward, the Committee could reconsider the bill and send it to the 14th Order of Business without need for a new RS.

**VOICE VOTE:**

The motion to hold **S 1128** in Committee carried by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman Martin** adjourned the meeting at 4:17 p.m.

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Senator Martin  
Chair

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Jeanne Jackson-Heim  
Secretary