

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, January 25, 2022

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

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 Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

PASSED THE GAVEL: Chairman Patrick passed the gavel to Vice Chair Souza.

DOCKET NO. 18-0000-2100 **Notice of Omnibus Rulemaking - Amendment to Temporary Rule**, p. 115; **18.01.01 - 18.08.01**, pp. 119 - 346. **Dean Cameron**, Director, Idaho Department of Insurance (IDOI), reported this was an Omnibus rule and there were no changes.

MOTION: **Senator Lakey** moved to approve **Docket No. 18-0000-2100**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 18-0604-2101 **Continuing Education (New Chapter) - Proposed Rule**, p. 400. **Mr. Cameron** reported there were no substantive changes.

MOTION: **Senator Burgoyne** moved to approve **Docket No. 18-0604-2101**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 18-0402-2101 **Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule**, p. 364. **Mr. Cameron** gave a brief background on this rule. He remarked the rule was the result of a combination of two rules related to the complications of pregnancy, adopted, and newborn children. There were no substantive changes. **Mr. Cameron** defined the term "missed abortion" meaning the death of a fetus without expulsion equal to or greater than eight weeks, but not quite a miscarriage. **Mr. Cameron** noted when a woman has a "missed abortion" she would be admitted into the hospital and be treated. This is not a normal abortion.

DISCUSSION: **Senator Guthrie** queried if there had been any effort to recognize the sensitive nature of the wording or was there an interchangeable word that was considered. **Mr. Cameron** noted this was a concern and dilemma in the industry. This rule had been adopted for many years and had the IDOI not decided to combine the two rules, this discussion would not have taken place. He indicated if the rule was approved and this section removed, this would create a coverage gap for complications of pregnancy.

Senator Lakey remarked this language was problematic. He asked what the practical options were if this portion of the rule was rejected. **Mr. Cameron** stated the IDOI would promulgate an emergency rule.

Senator Riggs spoke in support of the rule and stated the term, "missed abortion"

was a medical term that should not be misinterpreted. He cautioned the Committee ran a greater risk of doing a disservice to the people of Idaho. **Mr. Cameron** noted his concern was for the protection of consumers and he would expect in the event of a miscarriage or "missed abortion" the person would have insurance coverage. He remarked this rule tells the insurance company what is expected by the IDOI.

Vice Chair Souza remarked that "missed abortion" was commonly called a stillbirth or stillborn. That terminology would connect better with the public. She urged a more colloquial term as "missed abortion" could be misconstrued that an actual abortion would be covered by an insurance policy.

Senator Burgoyne queried if the IDOI promulgated a temporary rule or emergency rule after the session, possibly a few more words would be promulgated quickly and solve the problem. **Mr. Cameron** reiterated the goal of the IDOI was to make sure the insurance company clearly knew what had to be covered.

Senator Agenbroad expressed a concern if the wording was changed in rule, there was a special code the insurance company used for a "missed abortion." A patient would have the potential for a dispute with the insurance company if the wording was changed or removed. He stated he agreed with Senators Riggs and Burgoyne.

Vice Chair Souza and **Mr. Cameron** discussed adding an emergency line to explain the term, "missed abortion." **Mr. Cameron** suggested a slight modification could be put forth in a bulletin to make the term perfectly clear.

MOTION: **Senator Guthrie** moved to approve **Docket No. 18-0402-2101**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Senators Lakey and Martin voted nay.

DOCKET NO. 17-0000-2100 **Notice of Omnibus Rulemaking - Proposed Rule**, p. 106. **Sonnet Robinson, Referee**, Idaho Industrial Commission (IIC), reported there were no changes.

MOTION: **Senator Martin** moved to approve **Docket No. 17-0000-2100**. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 17-0000-2100F **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, p. 43. **Ms. Robinson** stated there were two changes with only one moving forward relating to the claim reporting process.

DISCUSSION: **Vice Chair Souza, Senator Burgoyne, and Ms. Robinson** discussed there was no fee change even though this was a fee rule. The only change was that of requiring an updated version of the software.

MOTION: **Senator Guthrie** moved to approve **Docket No. 17-0000-2100F**. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 28-0000-2100 **Notice of Omnibus Rulemaking - Proposed Rule**, pp. 483 and 491; **Ewa Szewczyk**, Grants Manager, Idaho Department of Commerce (IDOC), reported there were no changes.

MOTION: **Senator Martin** moved to approve **Docket No. 28-0000-2100**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chair Souza passed the gavel to Chairman Patrick.

- RS 29060C1** **Relating to Architects and Landscape Architects.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), reported this proposed legislation combines the Idaho Board of Architectural Examiners and the Idaho Board of Landscape Architects into a single board to regulate architects, architect interns, landscape architects, and landscape architects in training. This is consistent with past Board consolidation efforts. He stated there was no impact to the General Fund.
- MOTION.** **Senator Burgoyne** moved to send **RS29060C1** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.
- RS 29062C1** **Relating to the Department of Self-Governing Agencies.** **Mr. Frost** remarked consistent with the Occupational Licensing Reform Act, this bill allows for the IDOPL boards or commissions and division staff to share investigatory information regarding licensees with other boards and commissions to create efficiency within division investigations. There is no impact to the General Fund or any dedicated or federal funds. He noted this proposed legislation seeks to simplify the administrative burden of duplicative investigative work and could lead to quicker investigations and processing of licensing complaints.
- DISCUSSION:** **Senator Burgoyne** and **Mr. Frost** discussed circumstances that led to this proposed legislation. **Mr. Frost** stated when a complaint was received there could be three separate investigations with three different boards, especially with the construction trades. **Mr. Frost** remarked the IDOPL desired to be more efficient.
- MOTION:** **Vice Chair Souza** moved to send **RS29062C1** to print. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.
- RS 29064C1** **Relating to Dental Hygienists.** **Mr. Frost** remarked this proposed legislation removed an outdated extended access licensure endorsement for Idaho licensed dental hygienists working in an extended access setting under the general supervision of a dentist. No statutory licensing or scope-of-practice or services were changed. There is no impact to the General Fund, any dedicated fund, or federal fund because the Board of Dentistry does not currently impose any fees for extended access licensure endorsements.
- MOTION:** **Senator Lakey** moved to send **RS29064C1** to print. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.
- RS 29065C1** **Relating to Abstracters of Title.** **Chairman Patrick** announced this proposed legislation would be held and not heard.
- RS 29077C1** **Relating to Professional Engineers and Professional Land Surveyors (IPEPLS).** **Mr. Frost** noted this proposed legislative proposal for the IPEPLS aligns several definitions to reduce confusion, provides alternative methods of signing documents, allows new options for a basis of bearings (directions) on surveys, and allows additional options for monuments used as reference on plats and surveys. He stated these new options for signatures, basis of bearings, and reference monuments will reduce repetitive work and lend stability to property boundaries.
- Mr. Frost** indicated there was no impact to the General Fund, any dedicated or federal fund, because these amendments provide additional options for engineers and surveyors in some types of work. Costs will be reduced for consumers for some projects and reduce the number of boundary disputes between adjoining owners.
- MOTION:** **Senator Martin** moved to send **RS29077C1** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

RS 29172 **Relating to Health Savings Accounts (HSA's).** **Chairman Patrick** noted this proposed legislation addressed HSA's for State employees by making it easier for the Idaho Department of Administration (IDOA) to calculate the monthly amounts to be deposited in an employee's HSA. There was no fiscal impact to the General Fund nor State employees because the monies come from existing funding.

MOTION: **Senator Lakey** moved to send **RS29172** to print. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

RS 29121C1 **Relating to Veterans.** **Mark Tschampl**, Chief Administrator, Idaho Division of Veteran Services (IDVS), reported this proposed legislation aligns the statute with current practice. The IDVS and the Idaho Division of Human Resources (IDHR) work together to implement veteran's preference protections. The two Divisions will continue to work together to ensure the rights and privileges of veterans. There is no fiscal impact to the General Fund or any dedicated fund as this legislation only aligns statute with current process.

DISCUSSION: **Senator Agenbroad** asked if there was any risk in jeopardizing federal funds with this change. **Mr. Tschampl** reported there was no risk.

Senator Burgoyne queried if there was any issue required by the State of Idaho with moving this procedure from IDVS to the IDHR relating to federal grants or other funds. **Mr. Tschampl** noted this had been the common practice to work with IDHR and there should be no impact on any funding or projects. **Senator Burgoyne** clarified his question and expressed a concern of the IDVS being out-of-compliance and jeopardizing future funding. He remarked there was nothing in statute to require the IDHR to work with the IDVS. **Mr. Tschampl** remarked this was true. He noted this section only addressed the IDHR if there was a conflict in terms of a veteran's progress or an organization not applying preference to vets. There is no impact on the IDVS or how the IDVS works with the Veteran's Administration. He stated the question has been how did the IDVS work through an issue if there was a conflict for veteran's preferences.

Vice Chair Souza asked for clarification on the process for selecting a veteran for a job if a vet and a non-vet were equally or not equally qualified. **Mr. Tschampl** stated the vet would be selected for the position regardless.

Senator Guthrie questioned if the move to have IDHR work with the IDVS was requested from the Governor or IDHR. **Mr. Tschampl** stated the request aligned with the modernization of IDHR. **Senator Guthrie** commented he needed to have a clear picture of what part of this move was part of the larger plan. **Mr. Tschampl** stated the move aligned the handling of rare situations by the IDVS for certain scenarios.

Senator Burgoyne remarked there was a big change in this proposed legislation because it did not say IDHR had to work with the IDVS. **Mr. Tschampl** remarked the IDVS was involved in these types of situations and traditionally brought issues before the IDHR.

MOTION: **Senator Guthrie** moved to send **RS29121C1** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:46 p.m.

Senator Patrick
Chair

Linda Kambeitz
Secretary