

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, February 08, 2022

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Martin, Vice Chairman Riggs, Senators McCluskey (Heider), Lee, Harris, VanOrden (Bair), 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 3:00 p.m.

S 1266 **Chairman Martin** requested to move **S 1266** up the agenda.

Kelli Brassfield, Policy Analyst, Idaho Association of Counties, and also representing the Governor's Association, presented **S 1266**. **Ms. Brassfield** explained that this bill increased the timeframe within which the county public administrator must be notified of a death of a person with no known heirs from 48 hours to 72 hours. In addition, **S 1266** extended the timeframe within which public officials must make available to the public administrator all property known to them belonging to a decedent from 48 hours to 72 hours of knowledge of death and verification of no legal next of kin or administrator of the decedent's estate.

Dottie Owens, Ada County Coroner and member of the Executive Committee for the Idaho State Association of County Coroners, further explained that this additional time had become necessary as a result of the large increase in population within Idaho over the last few years.

MOTION: **Senator Wintrow** moved to send **S 1266** to the floor of the Senate with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**. Senator Heider will carry the bill on the floor.

H 445 **HEALTH - Repeals existing law relating to storage of biological products pending sale**. **Senator Harris** presented the bill. **Senator Harris** stated that this bill repealed Idaho Code §39-1501, the original statute governing storage temperatures for vaccines, antitoxins and other sera dating back to 1921. He explained the temperatures that various vaccines, antitoxins and sera must be kept at. Finally, **Senator Harris** explained that Idaho Code §39-1501 is supplanted by Idaho Code Title 57, Chapter 17.

MOTION: **Senator VanOrden** moved to send **H 445** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**. Senator Harris will carry on the floor.

- RS 29227** **Establish provisions regarding supplemental Medicaid reimbursement for ground emergency transport.** **Senator Riggs** presented the RS. **Senator Riggs** explained that **RS 29227** would provide supplemental Medicaid reimbursement for emergency transportation of Medicaid patients. Currently, the cost of Medicaid reimbursement for emergency ground transportation was 25% less than the actual cost of the transportation. **Senator Riggs** further explained that this RS would allow Idaho to take advantage of a federal supplemental payment program that allowed states to draw down the federal share of the cost for provision of service to a Medicaid patient. This drawdown would equate to 50% of the actual cost minus what Idaho Medicaid usually paid. One advantage to this additional reimbursement was that, because the state share was financed by the public provider, the program was administered at no additional cost to the Medicaid agency. Furthermore, this provided first responders with enough funding for equipment and staff.
- MOTION:** **Senator Harris** moved to send **RS 29227** to print. **Senator Lee** seconded the motion. The motion carried by **voice vote**.
- RS 29306** **Change the meaning of "minor" to person under 21. Tobacco products can be sold in retail by employees aged 19-20.** **Jason Kreizenbeck** with Altria Client Services, presented the RS. **Mr. Kreizenbeck** explained that this RS would increase the minimum age to purchase tobacco and e-vapor products in Idaho from 18 to 21 years old. He further explained that this increase in the minimum age for the purchase of tobacco and e-vapor products was necessary to end the trend of increased use over the last few years. This RS would make Idaho law consistent with federal law and treat the use of tobacco and e-vapor products similarly to the consumption of other adult products such as beer, wine and distilled spirits. In addition, this RS would make it lawful for employees of retail stores who are 19 and 20 years old to sell and distribute tobacco and e-vapor products.
- MOTION:** **Senator Wintrow** moved to send **RS 29306** to print. **Senator VanOrden** seconded the motion. The motion carried by **voice vote**.
- RS 29307** **Tobacco products and electronic smoking devices, prohibit certain local regulation and taxes.** **Pamela Eaton**, President and CEO of the Idaho Retailers Association, presented **RS 29307**. **Ms. Eaton** stated that the purpose of this RS was to ensure uniform laws statewide regarding tobacco and e-vapor products and prevent local authorities from adopting or enforcing requirements for the regulation, marketing or sale of tobacco or e-vapor products that were more restrictive than those enacted by the state.
- MOTION:** **Senator VanOrden** moved to send **RS 29307** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.
- RS 29316** **Necessary changes for the State of Idaho to continue regulating psychological service extenders.** **Lance Giles** with the Idaho Psychological Association presented this RS. **Mr. Giles** explained that this RS allow the Board of Psychological Examiners to continue to regulate psychological service extenders. He noted that service extenders provide essential psychological services under the supervision of a licensed Idaho psychologist or someone holding a doctoral degree in psychology and employed by a duly chartered educational institution. In addition, this RS would ensure that services provided by psychological service extenders continued to be reimbursed by insurance providers. Finally, **Mr. Giles** noted that the Division of Professional and Occupational Licenses was consulted in the drafting of this RS and had no objections.

DISCUSSION: **Senator Stennet** questioned why, after 30 years, the issue of licensure of psychological service providers was just now coming to light. **Mr. Giles** responded that they have had discussions with the Division of Professional and Occupational Licenses regarding licensure of psychological service extenders and have determined that this RS is necessary to ensure the continued ability to regulate psychological providers.

MOTION: **Senator Wintrow** moved to send **RS 29316** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

RS 29398 **Establish provision regarding Rural Nursing Loan Repayment Fund.** **Michael McGrane**, representing the Idaho Nurses Association, presented this RS. **Mr. McGrane** stated that this RS would establish a Rural Nursing Loan Repayment Fund. The fund would be used to help repay educational loans for RNs and LPNs who commit to working in rural communities, professional shortage areas and critical access hospitals throughout the state. This would encourage nurses to practice in rural areas and would help to retain nurses in rural areas.

DISCUSSION: **Senator Stennett** stated that this was a great idea and asked how the application process would work. **Mr. McGrane** responded that this was outlined in the RS. The Department of Health and Welfare, Office of Rural Health, currently operates a similar program for physicians practicing in rural areas so a structure exists. **Senator Wintrow** expressed a desire to expand this idea to other areas of the workforce that were needing labor.

MOTION: **Senator Harris** moved to send **RS 29398** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

S 1256 **HEALTH AND WELFARE - Amends existing law to remove a requirement for notarization in a criminal history and background check application.** **Fernando Castro**, Program Supervisor, Criminal History Unit, Department of Health and Welfare, presented the bill. **Mr. Castro** explained that this bill amended Idaho Code §56-1004A regarding criminal background checks for persons who provided care or services to vulnerable adults or children. The bill removes the requirement to have the background check notarized and provides for an electronic signature instead. This change would shorten the time to complete an application. **Mr. Castro** noted that there is no fiscal impact as a result of this bill. **Mr. Castro** also noted that there were several other minor changes, including punctuation and grammatical changes, that do not affect the statutory intent.

DISCUSSION: **Chairman Martin** asked whether there would be some verification of identity during the background check process. **Mr. Castro** responded that identity verification occurs during the background check process by law enforcement.

Senator VanOrden asked for clarification that the notary doesn't make a second identity check. **Mr. Castro** stated that was correct. He added that there were three checkpoints for verifying identity: the initial verification by agencies and employers, the second by Health and Welfare at the time of fingerprinting, and a final check by the Criminal History Unit of the Department of Health and Welfare against various registries.

MOTION: **Senator VanOrden** moved to send **S 1256** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**. Senator Van Orden will carry the bill on the floor.

S 1257

HEALTH AND WELFARE - Amends existing law to remove a description of the Southwest Idaho Treatment Center as an intermediate care facility for individuals with intellectual disabilities. **Cameron Gilliland**, Administrator, Family and Community Services, Department of Health and Welfare, presented this bill. **Mr. Gilliland** stated that this bill amends Idaho Code §56-234 to remove the designation of the Southwest Idaho Treatment Center (SWITC) as an intermediate care facility licensure. He explained that the mission of SWITC had changed from a long term care facility to a crisis care facility recognizing that individuals with intellectual and developmental disabilities thrive in their communities rather than in facilities. The director of the Department of Health and Welfare convened an advisory committee consisting of family and advocates of the developmentally disabled, legislators, a judge, law enforcement, adult protection and a developmental disabilities provider. The Developmental Disabilities Crisis Service Improvement Project had developed a new model of care for SWITC with a continuum of crisis services with the goal of helping individuals to return to the community. The intent is to move individuals from 24-7 intensive services necessary for stabilization to services within the community. Neither of these were easily available within the intermediate care facility licensure.

DISCUSSION:

Senator Lee expressed a concern that the fiscal note mentioned a new plan, but that the plan had not yet been developed. **Mr. Gilliland** assured Senator Lee that a plan would be developed within a year or two and that the plan for new licensure would come before the legislature. There was a facility they would like to move into which would provide for an assessment center and a step down unit. They were also finalizing details regarding licensure and Medicaid funding.

Senator Stennett expressed a concern about whether any of the current residents of SWITC who were not capable of living independently would be permitted to remain. **Mr. Gilliland** indicated that they would be able to continue to offer services to all of their clients under the new plan.

Senator Wintrow asked if this was the plan the advisory board had been discussing. **Mr. Gilliland** replied that it was. **Senator Wintrow** stated that she was a member of the advisory committee and that she had been impressed by the board's discussions.

Christine Pisani, Executive Director of the Idaho Council on Developmental Disabilities (Council), stated that the Council supported this bill. She commended the Department of Health and Welfare for their efforts toward helping individuals with intellectual and developmental disabilities live more meaningful lives. **Ms. Pisani** cited a concern regarding the lack of well trained psychiatrists and other staff who support individuals with intellectual and developmental disabilities.

MOTION:

Senator Lee moved to send **S 1257** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**. Senator Wintrow will carry the bill on the floor.

S 1258

HEALTH AND WELFARE - Amends and repeals existing law to clarify the authority of the Department of Health and Welfare in managing and operating state hospitals and treatment facilities. Ross Edmunds, Administrator, Behavioral Health, Department of Health and Welfare presented the bill. **Mr. Edmunds** stated that many of the changes in this bill were to include a reference to the newest long term care facility, State Hospital West in Nampa. The bill amends Idaho Code §36-401 to include State Hospital West in the definition of state long-term care facility residents. It amends Idaho Code §56-203 regarding the powers of the state department of Health and Welfare to manage and operate the various state hospitals, including State Hospital West in Nampa. It amends Idaho Code §56-1004 to include State Hospital West within the additional powers and duties of the Director of the Department of Health and Welfare to prescribe the qualifications of all personnel of the department. The bill amends Idaho Code §67-5339 to include State Hospital West in the loan repayment program. There were additional references to State Hospital West. In addition, there were several amendments changing the designation of Department of Health to the Department of Health and Welfare.

DISCUSSION: **Chairman Martin** asked Mr. Edmunds why the bill omits the reference to charitable institutions. **Mr. Edmunds** replied that charitable institutions was outdated language.

MOTION: **Senator Wintrow** moved to send **S 1258** 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 4:09 pm.

Senator Martin
Chair

Lena Amoah
Secretary