

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, February 22, 2022

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Martin, Vice Chairman Riggs, Senators Heider, Lee, Harris, VanOrden (Bair), Stennett, and Wintrow

**ABSENT/ EXCUSED:** Senator Zito

**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.

**GUBERNATORIAL REAPPOINTMENT:** **Idaho Commission for the Blind and Visually Impaired (ICBVI).** Gubernatorial Appointment of B.J. Stinger of Pocatello, Idaho, to serve a term commencing July 1, 2021 and expiring July 1, 2024 at the pleasure of the Governor. **Mr. Stinger** introduced himself to the Committee. He provided details of his upbringing and use of services through the ICBVI's Assessment and Training Center (ATC). He stated with their help he was working to complete his Master's degree in Social Work. **Mr. Stinger** relayed this was a reappointment as he had served on the board for 3 years.

**Chairman Martin** stated that the vote on the reappointment would occur at the next meeting.

**PASSED THE GAVEL:** Chairman Martin passed the gavel to Vice Chairman Riggs.

**RS 29598** **Bill rejecting the pending rules 16.03.09.772.01C, 16.03.21.101.01q, 16.03.21.302.01, and 16.03.21.407. Vice Chairman Riggs** explained **RS 29598** was a concurrent resolution (CR) that was being proposed for a formal rejection of the rules that the Committee had issues with during rules review process. He stated this would clear up any confusion or administrative issues with enforcing the previously existing rules versus the rules that were rejected during the rules review process.

**DISCUSSION:** **Senator VanOrden** inquired if it needed to be a bill. **Vice Chairman Riggs** responded that it would become a concurrent resolution. He stated the need for documentation to make sure there was no confusion.

**MOTION:** **Senator VanOrden** moved to send **RS 29598** to print. **Chairman Martin** seconded the motion. The motion passed by **voice vote**.

**PASSED THE GAVEL:** Vice Chairman Riggs passed the gavel to Chairman Martin.

S 1304

**CORONER - Amends existing law to provide an exception regarding final disposition of bodies in counties with a population of fewer than twenty thousand people.** **Senator Harris** introduced himself to the Committee. He relayed that statute said that in counties with more than one funeral home establishment a mortician cannot also be a coroner. The exemption being if there was only 1 funeral home establishment or mortician in that county. **Senator Harris** stated the fact that we had statute telling a person they could not run for office or hold office because they were engaged in a particular occupation or profession was an issue. The other issue being some smaller counties would need to come up with the costs of getting the coroner, all the equipment they needed, such as refrigeration, a van, and other necessary items. He stated this bill added a new exemption for a county that had a population of 20,000 people or less which affected about 26 counties. **Senator Harris** stated there was a statute that morticians were required to ask the next of kin which mortician they wanted the body to go to, what funeral establishment they wanted the body to go to, or they had to comply with the wishes of the deceased so there was no conflict of interest.

**DISCUSSION:**

**Senator Stennett** asked if the 1 licensed mortician, a funeral owner, was the coroner were they guilty of a misdemeanor. **Senator Harris** responded, according to the statute exemption, if there was only 1 funeral establishment in the county they were fine. He stated the statute said that you could not be a mortician and the coroner unless there was only 1 in the county.

**TESTIMONY:**

**Darrin Sims**, Coroner, Caribou County, introduced himself to the Committee. He stated his support and that it was unconstitutional to tell someone they could not run for public office based on their occupation. **Jordan Webb**, Deputy Coroner, Franklin County, introduced himself to the Committee. He stated his support and agreed with the unconstitutionality. **Mr. Webb** relayed that in small counties, funeral establishments provided equipment and low or no fees saving the counties money.

**MOTION:**

**Senator Heider** moved to send **S 1304** to the floor with a **do pass** recommendation. **Vice Chairman Riggs** seconded the motion. The motion passed by **voice vote**. Senator Harris to carry on the floor.

S 1326

**LICENSING - Amends, repeals, and adds to existing law to transfer authority to license certain health care facilities from the Department of Health and Welfare to the Division of Occupational and Professional Licenses.** **Dave Jeppesen**, Director, Department of Health and Welfare (DHW) introduced himself to the Committee. He reported the Division of Licensing and Certification (L&C) currently under the Department of Health and Welfare (DHW) and the Division of Occupational and Professional Licensing (DOPL) perform regulatory, administrative functions. **Mr. Jeppesen** stated in order to improve services and simplify government this bill was the first step to merge L&C into DOPL. (see Attachment 1)

**DISCUSSION:**

**Senator Lee** asked why the statement of purpose and the presentation were moving licensing over to a DOPL without talking about the substantive proposed changes on licensing in foster homes. **Mr. Jeppesen** stated there were no policy changes and that the document was created by pulling existing legislation into one new document in order to keep it in one place. **Mr. Jeppesen** asked to have Tim Frost assist with the Committee questions. **Tim Frost**, Deputy Administrator, DOPL introduced himself to the Committee. He detailed where each piece of the legislation previously existed and the need to move it into this document. **Chairman Martin** asked for clarification that the sections from other areas were simply moved without any changes. **Mr. Frost** confirmed and offered further documentation if needed. **Senator Wintrow** asked what was driving the change. **Mr. Jeppesen** stated there were two primary purposes for this bill.

The first being the governor's direction to consolidate the regulatory functions making that as efficient and streamlined as possible to have that oversight. He believed that would lead to efficiencies and improvements in the customer experience. **Mr. Jeppesen** stated the second reason was to eliminate a conflict where the director of the Department Health and Welfare was in the position of both operating facilities and regulating those facilities. **Senator Wintrow** asked how the transition was going to go, the supervision and some examples of how things might go better and what might be the challenges? **Director Jeppesen** responded from a process prospective there would need to be approval from CMS and budget requests next session. **Mr. Frost** stated consistency on process and when talking about certified family homes, skilled nursing facilities, and assisted living facilities many of those same health care providers were already engaging with DOPL on licensing and registration so those businesses and professionals would have a one stop shop. **Senator Wintrow** inquired what were the potential losses and gains in a situation, example Certified Family Homes (CFH). **Mr. Jeppesen** stated one example for efficiencies would be the challenges at DHW related to the Certified Nursing Aides (CNA) population. The CNA registry was only for those who worked in federally licensed facilities. The move to DOPL would allow all aspects of how CNA's operate to come together in one oversight. He answered for CFH within DHW there were strong ties between licensing and certification and he does not see that changing with the move to DOPL. **Chairman Martin** asked if there would be a change in staffing with the move. **Mr. Jeppesen** does not envision any reduction in work force.

**MOTION:** **Vice Chairman Riggs** moved to have **S 1326** held in committee subject to the call of the chair. **Senator Lee** seconded the motion.

**DISCUSSION:** **Senator Wintrow** stated she would like to hear from the stakeholders. **Chairman Martin** asked the Committee to review the bill as soon as possible and he would get with them each to discuss when or if they would bring the bill back to Committee.

**VOTE:** The motion passed by **voice vote**.

**S 1327** **HEALTH - Amends existing law to clarify cost coverage for hospitalization of mentally ill individuals and to revise provisions regarding such hospitalizations.** **Vice Chairman Riggs** introduced himself to the Committee. He stated this bill was needed to address the removal of the indigent and catastrophic funds due to passage last year of H 316. Collaborative efforts between legislators, the Department of Health and Welfare, the hospitals had made this bill possible.

**DISCUSSION:** **Senator Stennett** stated under neurocognitive disorders, page 3 section C, there were several listed. She asked it that was inclusive or exclusive. **Senator Riggs** stated that was inclusive.

**Ross Edmunds**, Administrator, Division of Behavioral Health, Department of Health and Welfare, introduced himself to the Committee. He walked the Committee through the bill section by section. (see Attachment 2)

**TESTIMONY:** Toni Lawson, Vice President, Government Relations, Idaho Hospital Association provided written testimony. (see Attachment 3)

**MOTION:** **Senator Harris** moved to send **S 1327** to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion. The motion passed by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Martin** adjourned the meeting at 4:11 p.m.

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Senator Martin  
Chair

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Lena Amoah  
Secretary