

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Friday, March 18, 2022

TIME: 8:15 A.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Senators Guthrie and Burgoyne

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 8:17 a.m.

MINUTES APPROVAL: **Vice Chair Souza** moved to approve the Minutes of March 10, 2022. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Trent Nate to the Idaho Health Insurance Exchange Board (IHIEB)**, of Boise, Idaho, term commencing February 16, 2022 and expiring April 10, 2025. **Mr. Nate** gave a brief overview of his background and job history. He noted he took the place of Jerry Edgington, who retired. He said he was excited about his role on the IHIEB.

DISCUSSION: In response to questions from **Senator Agenbroad**, **Mr. Nate** answered he was on the Marketplace Committee. He worked extensively with consumers and agents. He was also on the High Risk Pool Board. He said he balanced communications from the IHIEB standpoint and his job by working around some of the systems that were not yet in place. **Mr. Nate** noted Select Health pushed back deadlines for enrollment and payments in cooperation with the IHIEB.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Thomas Baskin to the Idaho Industrial Commission (IIC)**, of Garden City, Idaho, term commencing January 13, 2021 and expiring January 13, 2027. **Mr. Baskin** gave a brief overview of his background and job history. He said he was the Attorney representative on the IIC. He gave a lengthy response to allegations against him during the hearing on **H 590**. He noted he and other Commissioners all converged on problems and treated them deliberately, reviewed decisions, and strove to reach a consensus. He cited the Williams versus Blue Cross case ruling from the Idaho Supreme Court hearings, and noted the court determined the IIC had jurisdiction and tasked with applying the rule. He stated he recognized and believed direction had been given from the Idaho Supreme Court that could not be ignored. He cited various instances that were resolved relating to lump sum settlements within 7 to 14 days.

DISCUSSION:

In response to questions from **Senator Agenbroad**, **Mr. Baskin** stated the reason he felt he was a target versus the IIC was because he was the one who ran the contested hearings and had to explain the decisions of the IIC. In moving forward, **Mr. Baskin** stated the different legal interpretations by attorneys of the Williams case, were at the root of the issues. He said he tried to suggest to attorneys there were a number of ways to get the Idaho Supreme Court to review the Williams Case; however, there was already an opinion rendered by the court, and the IIC could not budge. He said the law was clear.

Vice Chair Souza asked what impact **H 590** would have on the IIC. **Mr. Baskin** stated the subrogation claims would not disappear, but the IIC would no longer have jurisdiction over settlements to make sure claims were satisfied.

Senator Lakey remarked **H 590** resolved the issue of the Williams case. He noted parties should be able to settle with the advice and participation of counsel. Controversy was unusual. He stated the Committee heard some concerns about staff communications with participants as to why they had to participate in the process that were not made clear. **Mr. Baskin** responded that the staff was charged with reviewing documents and to make recommendations as to settlements that was in the best interest of both parties. There were many other things that involved that decision. He stated the IIC considered future medical benefits, Medicare, attorney fees, and whether the money was correct. There must be oversight. The Commissioners relied on staff to make inquiries about a case relevant to approval. Staff was warned to not say too much to anyone about questions they had in case someone thought the IIC had a bias prior to the case hearing.

Senator Ward-Engelking asked Mr. Baskin's opinion about the lack of judicial oversight in **H 590**. He said workers' compensation was a small part of the law. It was inhabited by attorneys who figured out how to make a living. That largely came from choosing cases.

TESTIMONY:

Tom Limbaugh, Commissioner, IIC, testified in support of the gubernatorial reappointment of Mr. Baskin. He gave a brief prospective of working with Mr. Baskin. He noted Mr. Baskin had excellent judicial demeanor and had worked with him for the last 13 years. His knowledge and experience with the workers' compensation law was not surpassed by many other attorneys in this State. He said Mr. Baskin worked very hard to ensure the law was applied.

HCR 48

FEE RULES - HOUSE BUSINESS AND SENATE COMMERCE AND HUMAN RESOURCES COMMITTEES - State findings of the Legislature and approves fee rules reviewed by the House Business Committee and the Senate Commerce and Human Resources Committee. **Chairman Patrick** stated this legislation approved the Administrative Rules adopted by the Idaho Department of Finance, Idaho Department of Insurance, and the Grape Growers and Wine Producers Commission. This legislation had no impact to the State's General Fund, dedicated, or any federal funds.

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Patrick asked for unanimous consent to sent **HCR 48** to the floor with a **do pass** recommendation. There were no objections.

HCR 49

HOUSE COMMERCE AND HUMAN RESOURCES COMMITTEE - RULE APPROVAL - State findings of the Legislature and approves fee and non-fee rules reviewed by the House Commerce and Human Resources Committee. Chairman Patrick indicated this Concurrent Resolution reflected the approval of the rules reviewed and approved by the Idaho House of Representatives and the Senate Commerce and Human Resources Committee. It also reflected one rule approved by the Idaho House Commerce and Human Resources Committee but rejected by the Senate Commerce and Human Resources Committee. There was no impact to the General Fund.

**UNANIMOUS
CONSENT
REQUEST:**

Chairman Patrick asked for unanimous consent to send **HCR 49** to the floor with a **do pass** recommendation. There were no objections.

ADJOURNED:

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 9:14 p.m.

Senator Patrick
Chair

Linda Kambeitz
Secretary