

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, January 17, 2023

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Vander Woude, Vice Chairman Erickson, Representatives Blanksma, Kingsley, Mitchell, Dixon(24), Gallagher, Healey, Redman, Wheeler, Chew, Rubel, Roberts

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Vander Woude called the meeting to order at 9:00 a.m.

MOTION: **Rep. Dixon (24)** made a motion to approve the minutes of the January 11, 2023, meeting. **Motion carried by voice vote.**

RS 29988: **Rep. Jordan Redman**, District 3, presented **RS 29988** to repeal an obsolete Title 56 chapter for the food stamp revolving fund which was created in 1941 and not used in the past forty-five years. Answering a question he said there are no other references to the revolving fund in Idaho Code.

MOTION: **Rep. Blanksma** made a motion to introduce **RS 29988**. **Motion carried by voice vote.**

RS 29987: **Tim Frost**, Deputy Administrator, Division of Occupational and Professional Licenses (DOPL), presented **RS 29987** on behalf of the Board of Pharmacy. As a regulatory provision of the Uniform Controlled Substance Act updates have been made to mirror the federal controlled substance schedules. Multiple synthetic opioids are placed into Schedule I, a substance to treat insomnia is added to Schedule IV, and an anti-seizure medication is made part of Schedule V.

MOTION: **Rep. Blanksma** made a motion to introduce **RS 29987**. **Motion carried by voice vote.**

RS 29910C1: **Tim Frost**, Deputy Administrator, DOPL, on behalf of the Board of Medicine, presented **RS 29910C1**, proposed legislation to remove an outdated supervision requirement, clean up definition language, remove an obsolete annual physician assistant advisory committee report, and properly reference the occupational licenses fund.

MOTION: **Rep. Blanksma** made a motion to introduce **RS 29910C1**. **Motion carried by voice vote.**

Chairman Vander Woude put the committee at ease at 9:15 a.m. The committee was called to order at 9:27 a.m.

Josh Scholer, Bureau Chief, Regulatory and Legislative Affairs, Division of Financial Management (DFM), presented an overview of the legislative Administrative Rules review.

He explained any board, commission, or agency must have statutory authority before any rules can be promulgated. They must also follow the Administrative Procedures Act, which includes public comment parameters.

There are three types of rules: temporary, proposed, and pending. Temporary rules are in place within limitations. First drafts are proposed rules. Pending rules are the final draft which comes before the legislature.

Within the pending rules are two sub-types: fee and non-fee. Fee rules impose one or more fees and must be approved by a concurrent resolution in order to go into effect. Non-fee rules go into effect upon sine die, unless rejected.

Mr. Scholer described the rulemaking process, including formal and informal negotiating.

Responding to questions, he said a rule or section of rule not approved by the committee would revert back to the previous existing language. The committee has to accept or reject a rule in whole or in part. They are not able to add words or reject partial sentences.

Zero Based Regulation (ZBR) is an Executive Order established in 2020 and continues until 2026. A reduction tool built off of the Red Tape Reduction Act of 2019, it is used to simplify statute through clarification and removing duplicated or obsolete chapters. The agencies review the evidence behind the rule and analyze both the prospective and cost benefit. The process includes public meetings and publication of the prospective analysis. This is a step-by-step process, not a random reduction.

The legislative review authority is located in the Idaho Constitution, Article III, Section 29. It occurs every legislative session and provides another opportunity for the public and stakeholders to weigh in on the rules. The statute states any administrative rule, whether presented to the committee or not, can be reviewed. During such review, the legislature may approve or reject a rule, in whole or in part. Additionally, approval or rejection of a rule is not subject to gubernatorial veto. Unless extended, the rules expire every year by June 30.

Responding to committee questions, **Mr. Scholer** reiterated a single word cannot be rejected. In such a case, the entire subsection where the word is housed would have to be rejected. If a new rule chapter is rejected there is nothing to go into effect. If an existing chapter with changes is rejected in its entirety, the chapter reverts to what it was before the changes. Fee rules require both legislative bodies to agree through a concurrent resolution. A concurrent resolution is also used when rejecting a non-fee rule. Discussions continue regarding statute changes for this process.

Pending rules are not in effect without legislative approval. Temporary rules can go into effect immediately, with an effective date stipulation. There is a gentlemen's agreement additional rules are not created during the legislative session. This is because any temporary rule necessary during the session would probably not allow stakeholders and their representatives to voice concern, which is not transparent.

Answering further questions, **Mr. Scholer** said part of his division's process for vetting rules is asking if the changes have been proposed previously. If the response is affirmative a conversation begins on the reason for repeating the proposed changes. He further assured the committee he and his office are willing to meet with any member regarding any rule.

Chairman Vander Woude turned the gavel over to **Vice Chairman Erickson**.

**DOCKET NO.
16-0103-2201:**

Wayne Denny, Bureau Chief, Bureau of Emergency Medical Services (EMS) and Preparedness, presented **Docket No. 16-0103-2201**, EMS Agency Licensure. The updates include adding verbatim sections moved from the data collection rule chapter and incorporation of the data collection standards manual. The changes align with the National EMS Information System.

MOTION: Rep. Chew made a motion to approve **Docket No. 16-0103-2201. Motion carried by voice vote.**

DOCKET NO. 16-0106-2201: **Wayne Denny**, Bureau Chief, Bureau of EMS and Preparedness, presented **Docket No. 16-0106-2201**. This is the repeal of the EMS data collection chapter. It will not impact state or EMS dedicated funds.

MOTION: **Rep. Mitchell** made a motion to approve **Docket No. 16-0106-2201. Motion carried by voice vote.**

Vice Chairman Erickson turned the gavel over to **Chairman Vander Woude**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:24 a.m.

Representative Vander Woude
Chair

Irene Moore
Secretary