

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Thursday, February 02, 2023

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman VanOrden, Vice Chairman Zuiderveld, Senators Lee, Bjerke, Wintrow, and Taylor

**ABSENT/ EXCUSED:** Senator Harris

**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 VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) meeting to order at 3:03 p.m.

**INTRODUCTION:** **Chairman VanOrden** called Liz Woodruff, Executive Director, Idaho Academy of Family Physicians to introduce the visiting physicians to the Committee. **Ms. Woodruff** called attention to the physicians in the audience who had completed medical school and were in their second year of training at Full Circle Health in Boise.

**S 1005** **IMMUNIZATIONS - Amends existing law to require that daycare facilities provide citation to the immunization exemption law in communications with parents.** **Senator Herndon** explained this bill seeks to amend Idaho Code §39-1118, which would require city and county licensing for child care facilities to meet the same requirements as the State. He stated **S 1005** copies the language from H 298 (2021), which requires full disclosure to parents regarding vaccine exemption in schools. **Senator Herndon** stated he would like the same requirements in child care facilities regarding that disclosure.

**DISCUSSION:** **Senator Lee** asked about the difference between private companies and public schools and compliance with those differences. **Senator Herndon** responded that Health and Welfare regularly communicated with the child care facilities, as they were the ones who issued rules to those facilities. **Senator Lee** asked if the form that was currently used in schools was sufficient notification. **Senator Herndon** agreed it was.

**Senator Taylor** asked if Health and Welfare would be responsible for dispersing the vaccine exemption information to the child care facilities. **Senator Herndon** replied the child care facility would be responsible for the dispersion.

**TESTIMONY:** The following registered to testify in support of **S 1005**. Sarah Clendenon and Carol Andrews. **Ms. Clendenon** provided information with Health Freedom Idaho to support the bill, as their intent was to educate, not penalize the facilities. Ms. Andrews was not present.

**MOTION:** **Senator Bjerke** moved to send **S 1005** to the floor with a **do pass** recommendation. **Vice Chairman Zuiderveld** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.  
16-0506-2201**

**Relating to criminal history and background checks. Fernando Castro**, Criminal History Unit, Division of Management Services, Department of Health and Welfare (Department) explained the pending rule provided clarity about the Department background check processes to agencies and employers for relocating all compliance expectation items to a centralized location within the rule.

He stated portions of the rule were removed, updated references to statutory requirement, and reduced applicant and provider costs by removing the notary requirement. Also, enabled the use of certain Idaho records for background checks if obtained in the previous six months, and updated the list of disqualifying crimes. Two virtual negotiated rule making meetings were held in April 2022, 67 participants gave their feedback. They received even more feedback in writing after the meetings were held.

**DISCUSSION:**

**Senator Taylor** asked why the Department was retaining records for six years now instead of five. **Mr. Castro** replied a six year retention period was more adequate to get accurate records for applicants and providers.

**Senator Bjerke** asked if the result of the negotiated rule making process was positive or negative. **Mr. Castro** replied it was positive.

**Senator Lee** asked if the changes were in response to any suggestion from the FBI. **Mr. Castro** replied there was a request from the FBI to have a more specific list of individuals that need a background check.

**MOTION:**

**Chairman VanOrden** moved to approve **Docket 16-0506-2201**. It was seconded by **Senator Lee**. The motion passed by **voice vote**.

**DOCKET NO.  
16-0733-2201**

**Relating to adult mental health services; Trina Clark**, Division of Behavioral Health, highlighted the proposed changes in the Docket. **Ms. Clark** stated this rule review was timely and coincided with the Health and Welfare efforts to integrate Medicaid funded services into one behavioral health system of care for Idahoans. The proposed changes would significantly decrease the regulatory burden for providers.

**DISCUSSION:**

**Senator Bjerke** asked how they would decrease the regulatory burden regarding providers. **Ms. Clark** replied with the rule change, those regulations would not apply to the community providers. **Senator Lee** asked how the notice of appeal has changed. **Ms. Clark** replied we have clarified that for the administrating contractor.

**MOTION:**

**Senator Taylor** moved to approve **Docket No. 16-0733-2201**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman VanOrden** adjourned the meeting at 3:54 p.m.

---

Senator VanOrden  
Chair

---

Michelle Tierney  
Secretary