

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Thursday, February 09, 2023

**TIME:** 9:00 A.M.

**PLACE:** Room EW20

**MEMBERS:** Chairman Vander Woude, Vice Chairman Erickson, Representatives Blanksma, Kingsley, Mitchell, Dixon(24), Gallagher, Healey (Galloway), 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 9:02 a.m.

**MOTION:** **Rep. Dixon (24)** made a motion to approve the minutes of the January 30, 2023, meeting. **Motion carried by voice vote.**

**UNANIMOUS  
CONSENT  
REQUEST:** **Chairman Vander Woude** asked unanimous consent to amend his motion made January 8, 2023, for **Docket No. 16-0612-2201** to include in the exceptions Section 602.02. There being no objection, the request was granted.

**H 63:** **Rep. Julianne Young**, District 30, presented **H 63**. This legislation provides conscience protection for counselors and therapists and recognizes the need for them to disclose their values so a client can choose a counselor with consistent values.

Answering questions, **Rep. Young** explained this is a relationship between individuals who need to be unified in a single set of values and insures the coordinated referral to a more suitable counselor or therapist when there is a conflict.

**Dr. Chad Yates**, Idaho Counseling Association (ICA), Current Public Policy Legislative Chairman, testified **in opposition** to **H 63** which contradicts the code of ethics. Allowing referrals when there are value conflicts can pose a danger to a client and lead to legal action. Training includes working with individuals regardless of their values. The ICA was not consulted during the development of this legislation.

**Amanda Arnold**, ICA Member, testified **in opposition** to **H 63**. This will put clients at risk and contradicts standards. Clients already face long waiting lists and referrals would lead to a longer wait, which is dangerous for this fragile population. The imminent risk transfer to in-patient care does not cover responsibility for follow-up by the counselor when the individual is discharged and at high risk.

**Dr. Ngonidzashe Mpofu**, self, testified **in opposition** to **H 63** stating Idaho already faces a mental health (MH) crisis. This allows counselors to consider their own inconvenience or comfort rather than the need of the client.

**Anna Baird**, ICA, President Elect, Idaho Association for Marriage and Family Counselors, testified **in opposition** to **H 63**, emphasizing she became an MH professional to help individuals, not to serve herself, her own agenda, or put her needs first.

**Peggy McFarland**, Licensed Clinical Counselor, testified **in support of H 63**. The long standing ethical standard allowed the freedom to provide clients adequate information regarding the counseling process and the counselor. The new standards' removal of such ability harms the client with the false promise of a neutral counselor. **H 63** protects and supports clients, therapists, and families without the worry of any penalties.

**Lynn Laird**, Psychologist, testified **in support of H 63**, sharing her concern regarding a national group setting general ethical standards.

**Liz Horn**, Counselor, ICA Member, testified **in opposition to H 63**. Turning away vulnerable individuals will do harm by sending the message they are not worthy of help. Part of being a counselor is understanding one's own values and how to not impose those values on clients.

**Josi Christensen**, ICA Member, Idaho State University Student, testified **in opposition to H 63**. Clients told "their kind" needs to seek counseling elsewhere are already fearful regarding talking to a stranger. This unnecessarily expands the size and scope of the government.

**Mark Hand**, Counselor, testified **in support of H 63**, stating honest relationships and rapport are the base for great outcomes. Clients know when there is an issue with their counselor and appreciate honest and caring practitioners.

**Rep. Young**, in closing, said this legislation doesn't require a counselor to turn away anyone. Instead referrals address whether or not the goals, values, or outcomes would conflict with the client's sincerely held principals. This issue is not addressed in the current code of ethics. This is regarding a fundamental freedom of conscience.

**MOTION:** **Rep. Redman** made a motion to send **H 63** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Rubel** made a substitute motion to **HOLD H 63** in committee.

**VOTE ON SUBSTITUTE MOTION:** **Rep. Gallagher** requested a roll call vote. **Substitute motion failed by a vote of 6 AYE and 7 NAY. Voting in favor of the motion: Reps. Erickson, Dixon (24), Wheeler, Hoy, Rubel, Roberts. Voting in opposition to the motion: Reps. Blanksma, Kingsley, Mitchell, Gallagher, Galloway, Redman, Vander Woude.**

**VOTE ON ORIGINAL MOTION:** A roll call vote was requested. **Original motion carried by a vote of 7 AYE and 6 NAY. Voting in favor of the motion: Reps. Blanksma, Kingsley, Mitchell, Gallagher, Galloway, Redman, Vander Woude. Voting in opposition to the motion: Reps. Erickson, Dixon (24), Wheeler, Hoy, Rubel, Roberts. Rep. Young** will sponsor the bill on the floor.

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

**DOCKET NO. 15-0102-2201:** **Julie Bicknell Taylor**, Director, Commission on Aging, presented **Docket No. 15-0102-2201**. This is a zero base regulation (ZBR) chapter rewrite. It has been streamlined, modernized, and simplified. Nothing relating to protection of vulnerable adults has been lost.

**MOTION:** **Rep. Wheeler** made a motion to approve **Docket No. 15-0102-2201. Motion carried by voice vote.**

**DOCKET NO. 16-0324-2201:** **Kristin Matthews**, Bureau Chief, Department of Health and Welfare (DHW), Division of Medicaid, presented **Docket No. 16-0324-2201** to repeal a section which became obsolete upon passage of **H 735** in 2022.

**MOTION:** **Rep. Roberts** made a motion to approve **Docket No. 16-0324-2201. Motion carried by voice vote.**

**DOCKET NO. 16-0414-2201:** **Lisa Johnson**, Program Manager, Energy Grants, Self Reliance Programs, DHW, presented **Docket No. 16-0414-2201**, a ZBR rewrite for grammatical updates, streamlining and reduction of the regulatory burden. There are no changes to the eligibility requirements.

**MOTION:** **Rep. Dixon (24)** made a motion to approve **Docket No. 16-0414-2201**. **Motion carried by voice vote.**

**DOCKET NO. 16-0602-2201:** **Kaela Whitehead**, Program Specialist, Foster Care Licensing, DHW, Division of Family and Community Services, presented **Docket No. 16-0602-2201**. This is a ZBR rewrite and renames the chapter Child Care and Foster Care Licensing. Changes align with existing licensing standards. Updates include qualifications, suitability, training, home environment, and the maximum number of children within the foster home.

The changes clarify expectations and insure children have safe surroundings with appropriate care. The number of children in a foster home has been increased to six, with additional children allowed based on an assessment and specified criteria. The updates assure persons physically and emotionally able are providing safe surroundings and care.

**Aubrie Hunt**, Program Manager, was invited to answer a question. She explained the listed daycare fees cover the cost of health and safety inspections. Additional inspection costs are underwritten by the Idaho Child Care Association.

**Brenda Felton**, Foster Parent, testified **in support of Docket No. 16-0602-2201**. She shared information regarding the current number of foster children and foster homes. Recruitment is hindered by the requirements surrounding trips outside of Idaho and fencing bodies of water, especially in rural farming areas.

The six children requirement includes family members, which limits the actual number of foster children. This becomes an issue when trying to keep siblings together. She pointed out a side effect of splitting up siblings is the reduction in educational hours when all of the siblings are transported to one location from various areas for visitations several times a week. Foster parents want and can help more.

Answering a question, **Ms. Felton** suggested improvements could include increasing the training requirements from ten to twenty hours to include specialized care training. Also of help would be allowing case workers and court appointed special advocates (CASA) to perform more frequent home visits.

**MOTION:** **Chairman Vander Woude** made a motion to approve **Docket No. 16-0602-2201**.

Speaking to the motion, **Chairman Vander Woude** reminded the committee **Docket No. 16-0602-2201** was held previously when concern was raised regarding child and foster care being in the same rule. An understanding has been reached for a separation of the two categories in 2023.

**VOTE ON MOTION:** **Vice Chairman Erickson** called for a vote on the motion to approve **Docket No. 16-0602-2201**. **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 10:45 a.m.

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Representative Vander Woude  
Chair

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Irene Moore  
Secretary