

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, March 15, 2023

TIME: 2:00 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) to order at 2:12 p.m.

H 212 **HEALTH AND SAFETY - Amends safety law to clarify that certain schools and after-school programs do not need a daycare license. Representative Erickson** was excused. **Kate Haas**, Kestrel West, presented. She explained during the rules process, a section of code was not reflected in the bill that defined child for the purposes of a daycare, as anyone up to age 13, so not to license aftercare programs with school age children. The other piece this bill did was strike out private or religious schools as an exemption. She asked the bill be sent to the amending order.

DISCUSSION: **Chairman VanOrden** asked what it would read with the amendment on the bill. **Ms. Haas** replied it would read 'the operation of day camps, programs and religious schools for less than 12 weeks during a calendar year or not more often than once a week, and after school programs for children over four years of age or in kindergarten.'

MOTION: **Vice Chairman Zuiderveld** moved to send **H 212** to the 14th order for possible amendment. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

HCR 5 **RULE REJECTION - HEALTH AND WELFARE - States findings of the Legislature and rejects certain rules of the Department of Health and Welfare relating to residential assisted living facilities. Representative Healey** explained there were times when the patient of an assisted living facility may need to move into a skilled nursing facility due to an open pressure wound. There were times when that wound could be treated by a wound care nurse already employed at the assisted living facility. This had created a large burden for the patient and any family they resided with.

TESTIMONY: **Heidi Brough Nye** testified in opposition of **HCR 5**. She stated as the owner of an assisted living facility, she did not provide a level of care required in a skilled nursing home did. Level three and level four pressure ulcers were open wounds to the bone, and that type of care was not appropriate for an assisted living environment, as they were not trained to provide that kind of medical care.

DISCUSSION: **Senator Lee** asked if there were other states that she was aware of that had rules regarding these issues. **Ms. Brough Nye** replied no, level three and four pressure ulcers were not allowed in assisted living facilities, which was mandated by the federal government. That type of care was mandated for a nursing home, as the federal government has put so many constructs in place to guide nursing homes and how they provided care.

Senator Lee asked without that rule, would you have the discretion to say we no longer have the capacity to care for the resident, which made it the decision of the assisted living facility rather than the state's regulatory framework. **Ms. Brough Nye** replied yes, at any point a facility could say that they were not able to provide for the resident's care.

Senator Bjerke inquired what was the level of care provided to the residents at an assisted living facility. **Ms. Brough Nye** replied an assisted living provides for someone's care and comfort. They provided things like assistance with the tasks of daily living; bathing, dressing, medication management, housekeeping, and meals. In their setting, we provided those types of things as someone's health care needs changed. Our contract says that we provided for their care and comfort, and as their needs changed, up until the point that we could no longer do that.

Senator Bjerke asked if assisted living facilities offered different levels of care. **Ms. Brough Nye** stated that larger facilities could provide different levels of care. **Senator Bjerke** asked if there were some assisted living facilities that would accept a patient to remain in the facility with a stage three or four ulcer that needed treatment. **Ms. Brough Nye** replied yes, if they partnered with a home health agency.

TESTIMONY: **Robert Vande Merwe**, Executive Director, Idaho Health Care Association, testified in support of **HCR 5**. He stated the ombudsman for the elderly told him they like the rule change because it supported the residents right to choose. Those residents were in favor of regulation.

Angela Hillehiem testified in support of **HCR 5**. She explained as the nursing shortage became greater, they needed more nurses to collaborate. That process would go for home health and hospice and come into assisted living facilities. The assisted living care staff attend to the daily cares, so the nurses needed to coordinate and collaborate on this care with one another.

Nancy Hollis testified in support of **HCR 5**. She stated the rule change would bring back residents. She had a registered nurse and two licensed practical nurses on staff at her facility, and they made the decision whether or not they could take care of this wound correctly, properly and safely, just as they were trained to do.

MOTION: **Senator Wintrow** moved to send **HCR 5** to the floor with a **do pass** recommendation. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman VanOrden** adjourned the meeting at 2:56 p.m.

Senator VanOrden
Chair

Michelle Tierney
Secretary