

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, January 23, 2024

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Cook, Senators Guthrie, Ricks, Foreman, Hartgen, Lenney, Ward-Engelking, and Ruchti

**ABSENT/ EXCUSED:** Senator Lakey

**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 Cook** called the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**RS 30969** **Relating to Pesticides and Consumer Protection. Senator Harris** reported this legislation amended Idaho Code, Title 22, Chapter 34 and Idaho Code, Title 48, Chapter 6 regarding pesticides and the Idaho Consumer Protection Act (ICPA). Pesticide labeling was regulated by State and federal laws under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). **Senator Harris** noted this legislation clarified that existing regulations of pesticide labels were sufficient to satisfy any requirements for a warning regarding health or safety of these products. He explained there was no impact to the General Fund because this legislation dealt specifically with pesticide labels and product liability.

**MOTION:** **Senator Guthrie** moved to send **RS 30969** to print. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**RS 30832** **Relating to the Board of Education Optional Retirement Program. Michelle Peugh**, Bureau Chief, Division of Human Resources (DHR), reported this legislation allowed employees hired by the Office of the State Board of Education (SBE) on or after July 1, 2024 who had credited service in the Public Retirement Systems of Idaho (PERSI) to make a one-time, irrevocable election to remain a member of PERSI. Currently, this opportunity was only available to new employees who were fully vested prior to their hire date. **Ms. Peugh** explained there was no impact on the State's General Fund or any dedicated or federal fund because these employees already contributed to PERSI.

**MOTION:** **Senator Ward-Engelking** moved to send **RS 30832** to print. **Senator Hartgen** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Ricks** moved to approve the Minutes of January 16, 2024. **Senator Foreman** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Heidi Hart, of Meridian, Idaho, to the Idaho Health Insurance Exchange Board (IHIEB), term commencing April 10, 2023, and expiring April 10, 2027. Ms. Hart** gave a brief overview of her background. She noted she wanted Idahoans to have access to health care.

**DISCUSSION:** **Senator Guthrie** queried what was the biggest concern moving forward. **Ms. Hart** stated the challenge for all Idahoans was access to affordable health care.

**Chairman Cook** asked what were some of the duties of a Your Health Idaho (YHI) Board member, and what type of decisions were made. **Ms. Hart** explained the YHI Board tried to make sure agents took care of their duties and customers by making the products understandable.

**Chairman Cook** stated the vote would take place at the next meeting.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Carolyn Lodge of Boise, Idaho, to the Idaho Health Insurance Exchange Board, term commencing April 10, 2023 and expiring April 10, 2027.** **Ms. Lodge** gave a brief overview of her background. She noted all Idahoans must have access to affordable healthcare. Since her background was in marketing, she brought a different perspective as a business owner. Idahoans needed to understand their insurance in order to achieve success.

**DISCUSSION:** In response to a question from Chairman Cook regarding the greatest challenge as a Board member. **Ms. Lodge** stated YHI offered something important and she wanted to make sure all knew the available insurance options.

**Chairman Cook** stated the vote would take place at the next meeting.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Robert Cuoio of Pocatello, Idaho, to the Idaho Health Insurance Exchange Board, commencing September 11, 2023, and expiring April 10, 2025.** **Mr. Cuoio** gave a brief overview of his background. He noted he cared for the rural residents of Idaho. He was impressed with the success of YHI and the high satisfaction rate.

**DISCUSSION:** **Senator Ruchti** asked Mr. Cuoio to describe what the Hospital Cooperative was and how his experiences helped him with being on the IHIEB. **Mr. Cuoio** indicated the Cooperative was a non-profit that helped hospitals with services. He cited several examples. He explained there was an option to send a mobile unit to several hospitals once a week, which saved money. The Cooperative looked for opportunities to do things together to help hospitals. The Cooperative was part of a federal grant to put Telehealth in rural locations.

**Chairman Cook** stated the vote would take place at the next meeting.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Ricks** moved to send the Gubernatorial Appointment of **Jon Weber** to the State Insurance Fund Board (SIFB), to the floor with the recommendation that he be confirmed. **Senator Ruchti** seconded the motion. The motion carried by **voice vote**.

**PRESENTATION:** **Your Health Idaho (YHI).** **Patrick Kelly**, Executive Director, YHI, highlighted changes and outlined the year for YHI (Attachment 1). He gave an extensive summary of the key accomplishments in 2023 by the numbers the year in review, open enrollment 2024, and looking ahead. He shared the impact YHI had over the last ten years.

**DISCUSSION:**

**Senator Guthrie** referred to slide 11, indicating \$900,000 was spent and it was more than the revenues. He asked Mr. Kelly to explain. **Mr. Kelly** stated budgets were set in March for the following year. When the budget was set, Medicaid was expected to unwind, but that did not happen until later. He stated most of the enrollments occurred during this financial year and the full benefits were going to be realized in 2024.

**Senator Guthrie** questioned how the agents received compensation. **Mr. Kelly** stated the carrier paid the agent directly.

**Senator Ruchti** referred to slide 10, enrollments "with tax" and "without tax." He queried if "without tax" included those that fell in the Medicaid gap. **Mr. Kelly** responded the enrollments that received a tax credit were individuals above the 138 percent poverty level that were included. He stated higher income families could still receive a tax credit. For states without Medicaid expansion, the poverty level was at 100 percent. In 2020, enrollment in the Exchange declined due to COVID-19.

**Chairman Cook** remarked 60 percent enrolled online. That was the least expensive way to enroll. He asked what was YHI doing to get more people to enroll online. **Mr. Kelly** explained YHI needed to provide system provider tools. He cited an example of buying a car. When an applicant answered questions on the application, certain things happened, such as a tax credit if they chose a plan. If they chose another plan, something else could happen, such as cost share reductions, which allowed it to be cheaper to use the enrollee's coverage.

**Senator Ricks** questioned if an applicant enrolled online, did the agent receive a commission. **Mr. Kelly** explained if the applicant worked with an agent, the agent was paid. If an applicant did everything themselves and there was no agent, there was no commission.

**Senator Ruchti** referred to slide 14 relating to revenue and expenses and asked for an example of a normal year. **Mr. Kelly** stated 2018 was the most normal year. Currently, YHI was in the process of setting a budget. He expected expenses and revenue to be approximately \$14 million.

**Chairman Cook** asked about the increase in enrollments this year. He also asked what was the enrollment in the past ten years. **Mr. Kelly** remarked in 2013 there were 26,000 Idahoans who enrolled in the Exchange. In 2020, there was a decrease in enrollment of approximately 13,000 Idahoans simply because the rules changed. If COVID-19 figures were removed, the enrollment data would have been more level.

**Senator Guthrie** and **Mr. Kelly** discussed the tax credit and the idea that not everyone received the same credit. They discussed how tax credits were tied to where an applicant lived and their income. The tax credit decreased as income increased. The economic geographic area where most of the YHI enrollment centered was around 250 percent of the poverty level, meaning \$60,000 to \$65,000 a year for a family of four.

**Mr. Kelly** concluded his presentation and thanked the Committee for their support.

**ADJOURNED:**

There being no further business at this time, **Chairman Cook** adjourned the meeting at 2:26 p.m.

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Senator Cook  
Chair

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Linda Kambeitz  
Secretary