

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, January 23, 2024

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chair VanOrden, Senators Harris, Bjerke, Zuiderveld, Wintrow, and Taylor

ABSENT/ EXCUSED: Senator Lee

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: **Chair VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:00 p.m.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Consideration of the Gubernatorial Reappointment of Dr. John MacMillan of Twin Falls, Idaho, to the Board of Environmental Quality, commencing July 1, 2023 and expiring July 1, 2027.**

MOTION: **Senator Harris** moved to send the gubernatorial appointment of Dr. John MacMillan to the Board of Environmental Quality to the floor with the recommendation that he be confirmed by the Senate. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

RS 30986 **Relating to Health. Senator Wintrow** stated that the proposed bill would create a legal and compassionate pathway to a hospital emergency room for someone with a major neurocognitive disorder. The bill allowed a 24 hour protective placement to a hospital for a medical assessment determined if a medical issue was creating the acute crisis.

MOTION: **Senator Zuiderveld** moved to send **RS 30986** to print. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0309-2301 **Medicaid Basic Plan Benefits - Temporary and Proposed Rule. William Deseron**, Program Manager, Policy and Innovation, Department of Health & Welfare, Division of Medicaid, explained the proposed rule changes decreased regulatory burdens, made technical corrections, removed language related to the end of the public health emergency and returned to standard operations, and align the Idaho Behavioral Health Plan with our Medicaid State Plan. He stated the changes also aligned this chapter with the following past legislation from the 2023 legislative session:

- H 153, regarding bridge year physicians;
- H 223, regarding the Medical Consent and Natural Death Act;
- H 374, regarding criminal abortions;
- S 1094, regarding international medical graduates;
- IDAPA 16.05.06, "Criminal History and Background Checks."

DISCUSSION: In response to Committee questions, **Mr. Deseron** explained the CMS/Medicare Durable Medical Equipment (DME) Coverage Manual was a publication that contained information on DME supplier enrollment, documentation, claim submission, coverage, appeals, and overpayments. He stated substantive changes included updated titles, definitions, changes from 2023 legislation, habilitative intervention services, and aligned mammograms from every year to every 2 years. **Mr. Deseron** stated exceptions were not made to allow for the billing of Medicaid participants, it was prohibited by law. He explained an exception was allowed for late prior authorizations in cases such as hospital discharge being delayed.

MOTION: **Senator Wintrow** moved to approve **Docket No. 16-0309-2301** **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0310-2101 **Medicaid Enhanced Plan Benefits - Temporary and Proposed Rule.** **William Deseron** explained the Medicaid Enhanced Plan included the Basic Plan benefits and services for long-term disability, developmental disability, and those with special health needs such as participants requiring an organ transplant. He stated the following changes were made:

- decreased regulatory burdens;
- made technical corrections;
- removed language related to the end of the public health emergency and return to standard operations;
- met requirements of the KW settlement agreement;
- allowed parents and spouses to provide personal care services;
- limited the number of residents in residential habilitation;
- adjusted the number of hours allowed for developmental disability services;
- aligned rule with necessary developmental disability waiver operations;
- required background checks for non-medical transportation;
- aligned with changes to IDAPA 16.05.06, "Criminal History and Background Checks."

DISCUSSION: **Senator Wintrow** inquired if there was opposition and if there were any substantive changes. **Mr. Deseron** relayed there was no opposition and the only thing substantive was related to organ transplants.

MOTION: **Senator Wintrow** moved to approve **Docket No. 16-0310-2101**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0313-2101 **Consumer-Directed Services - Temporary and Proposed Rule.** **William Deseron** relayed the changes decreased regulatory burden, made technical corrections, removed language related to the end of the public health emergency and return to standard operations, and aligned with federal regulations around conflict of interest. The language was simplified with no changes to meaning.

MOTION: **Senator Harris** moved to approve **Docket No. 16-0313-2101**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
16-0318-2301**

Medicaid Cost-Sharing (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule. **William Deseron** stated these rules covered cost-sharing such as co-pays and premiums clarifying and simplify the cost sharing rules for Medicaid. The changes improved and simplified language covering specific details for the State Children's Health Insurance Program (CHIP), Home and Community Based Programs subject to cost sharing including Home Care for Certain Disabled Children, Youth Empowerment Services (YES), and Workers with Disabilities.

DISCUSSION:

In response to Committee questions, **Mr. Deseron** relayed the substantive changes were related to federal tax changes. He provided the definition of household and family.

MOTION:

Senator Taylor moved to approve **Docket No. 16-03118-2301**. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chair VanOrden** adjourned the meeting at 3:33 p.m.

Senator VanOrden
Chair

Lena Amoah
Secretary