

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 24, 2024

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman 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 3:05 p.m.

GUBERNATORIAL APPOINTMENT: **Committee Consideration of the Gubernatorial Appointment of Patrick Purdy of Boise, Idaho, to the Board of Environmental Quality, term commencing November 7, 2023 and expiring July 1, 2027.** **Patrick Purdy** stated that his family had been involved in farming, raising sheep and cattle, and were guides for fishing and hunting dating back to 1883. He relayed his family was committed to environmental stewardship and provided details of their efforts in this area.

DISCUSSION: In response to Committee questions, **Mr. Purdy** relayed he was committed to learning and being fully engaged in the process. It was important for the Board to understand the context of the issues while they made sure to balance environmental and community concerns.

DOCKET NO. 24-0501-2301 **Rules of the Board of Drinking Water and Wastewater Professionals (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Amy Lorenzo**, Bureau Chief, Building Construction & Real Estate, Division of Occupational and Professional Licenses (DOPL), stated in accordance with Zero Based Regulation (ZBR) language removed from rule was redundant or duplicative of statute. She relayed the Board removed barriers to licensure renewal, and created a pathway to Class 1 licensure for operators working at Very Small Public Drinking Water Systems. **Ms. Lorenzo** explained the Board also removed a barrier to licensure by allowing the test provider to set a passing score and eliminated the percentage score required in the current rules.

DISCUSSION: In response to Committee questions, **Ms. Lorenzo** stated 1600 hours was considered 1 year for training purposes since equipment operators were not on equipment 2080 hours a year. The Rural Water Association had their concerns addressed by the reduction on barriers to licensure and the transition to a cut score.

MOTION: **Senator Harris** moved to approve **Docket No. 24-0501-2301**. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-0601-2301 **Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Katie Stuart**, Bureau Chief, Administration, DOPL, stated the chapters had been realigned to match other boards, and that duplicative and inactive language and procedures had been removed. She relayed there were no new fees added.

DISCUSSION: In response to Committee questions, **Ms. Stuart** stated the changes were not substantive. She explained that references to statutes were located on the DOPL website for each profession to reference.

TESTIMONY: **Megan Doyle**, President, Idaho Occupational Therapy Association, testified in support of the rule changes. The association felt the changes supported best practice for the occupational therapy profession, and the citizens of Idaho.

MOTION: **Senator Taylor** moved to approve **Docket No. 24-0601-2301**. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-1101-2301 **Rules of the State Board of Podiatry (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Katie Stuart** stated the rewrite updated legal authority with the proper statute citations, and incorporation by reference. They removed outdated definitions and duplicative or outdated procedures. She explained licensure by examination, and approved education sections were reworked.

DISCUSSION: **Senator Harris** inquired how often the Code of Ethics was updated. **Ms. Stuart** relayed the Board had adopted the national standard for their Code of Ethics, which was reviewed on a regular basis by the national association. The Board reviewed the regulations every year to ensure they wanted to adopt it in its entirety.

MOTION: **Senator Wintrow** moved to approve **Docket No. 24-1101-2301**. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-1301-2301 **Rules Governing the Physical Therapy Licensure Board (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Katie Stuart** stated the rewrite updated legal authority with the proper statute citations, and incorporation by reference. They removed outdated definitions and duplicative or outdated procedures, provided clarity, and removed unneeded certification. She relayed there were no new fees added.

TESTIMONY: **Doctor Jonathan Gardenia**, President, Idaho Chapter of the American Physical Therapy Association testified in support of the docket.

MOTION: **Senator Harris** moved to approve **Docket No. 24-1301-2301**. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

Chair VanOrden announced Docket No. 24-1601-2301 was to be heard next.

DOCKET NO. 24-1601-2301 **Rules of the State Board of Dentistry (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **Katie Stuart** stated the chapters had been realigned to match other boards, and duplicative and inactive language or procedures had been removed. She relayed an inactive fee was removed and there were no new fees added.

MOTION: **Senator Taylor** moved to approve **Docket No. 24-1601-2301**. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-1401-2301 **Rules of the State Board of Social Work Examiners (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule.** **John Price**, Bureau Chief, Occupations, stated the chapters had been realigned to match other boards, and duplicative and inactive language or procedures had been removed. The Board removed examination fee information because it was not controlled or collected by the board. Civil fine costs and fees were removed. He relayed continuing education requirements were reduced from 20 hours a year to 30 hours every 2 years. The Code of Professional Conduct was reworked into a standard of care model. Rule 450.02.h was updated to add that a social worker may not discriminate against someone based on their gender identity or sexual orientation. This was added pursuant to Idaho Code (IC) §54-3210. **Mr. Price** relayed the board separated provisions for romantic relationships with former clients, and relationships with friends or

family of former clients into two separate rules for clarity. He relayed that civil fines, costs, and fees were removed as it was unsupported by statutory authority.

Chair VanOrden passed the gavel to Senator Harris.

PASSED THE GAVEL:

DISCUSSION: **Senator Zuiderveld** asked for the code referenced related to the gender and sexual orientation addition. **Mr. Price** recited IC §54-3210 "The Board shall prepare and adopt a code of professional conduct and may revise and amend such code from time to time." **Senator Zuiderveld** asked for clarification on whether the statute stated the verbiage could be chosen at will. **Mr. Price** responded that it did not.

MOTION: **Senator Zuiderveld** moved to approve **Docket No. 24-1401-2301** with the exception of **450.02.h**. **Senator Bjerke** seconded the motion.

SUBSTITUTE MOTION: **Senator Wintrow** moved to approve **Docket No. 24-1401-2301**. **Senator Taylor** seconded the motion.

DISCUSSION: **Senator Wintrow** stated it was important to recognize the Board had adopted the code of ethics stating they were not going to be discriminated based on who someone was. The value set of social workers was to believe who you were and not to discriminate or withhold service because of that. She stated she fully supported the addition and that regardless of personal, religious, or other beliefs every human deserved to have those services available to them.

VOICE VOTE: **Senator Harris** called for a voice vote on the substitute motion. The motion failed.

VOICE VOTE: **Senator Harris** called for a voice vote on the original motion to approve **Docket No. 24-1401-2301** with the exception of **450.02.h**. The motion carried. **Senators Wintrow** and **Taylor** asked to be recorded as voting nay.

Senator Harris misquoted the exception as 450.03.h during the vote, but the motion by Senator Zuiderveld had the correct exception of 450.02.h.

DOCKET NO. 24-1501-2301

Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule. **John Price** stated the chapters had been realigned to match with other boards and that outdated definitions, and duplicative or outdated procedures were removed. The rewrite updated the Board's legal authority with the proper statute citations. The American Counseling Association and the American Association for Marriage and Family Therapy's Code of Ethics were both incorporated by reference. He explained that licensure requirements were combined into one rule and the criteria was updated, and examination requirements were added. The qualifications related to becoming a supervisor were redefined. Fees for a senior license, inactive license, and inactive to active license fee were removed, and the \$25 examination fee was moved into the fee table. **Mr. Price** relayed that senior licensure (age 65+), and inactive licensure were not expressly authorized by statute and were deleted from the rules. The continuing education hourly requirements were reduced from 40 hours to 12 hours with specific area training requirements.

DISCUSSION: **Senator Wintrow** inquired if there were any disagreements that could not be negotiated, and did all parties agree with the rule changes. **Mr. Price** relayed discussions were related to the key requirements and hours. The new requirement for boundaries and suicide assessment were added. He stated that all parties were in agreement with the final rules.

MOTION: **Senator Zuiderveld** moved to approve **Docket No. 24-1501-2301**. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
24-2701-2301**

Rules of the Idaho State Board of Massage Therapy (ZBR Chapter Rewrite, Fee Rule) - Proposed Rule. **John Price** stated the chapters had been realigned to match with other boards and that outdated definitions and duplicative or outdated procedures were removed. The rewrite updated the Board's legal authority with the proper statute citations. All continuing education requirements were removed.

MOTION: **Senator Bjerke** moved to approve **Docket No. 24-2701-2301**. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

PRESENTATION: **Alzheimer's and Disease Related Dementia.** **Tiffany Robb**, Health Program Manager, Alzheimer's Disease and Related Dementia, Department of Health & Welfare (DHW), Division of Public Health, presented a summary of the Legislative Annual Report (Attachment 1). She discussed Idaho's crisis as it related to Alzheimer's and dementia, and provided details on their program including public safety, education, as well as public/private partnerships. **Ms. Robb** also discussed recommendations for state policy that were in the report (Attachment 2).

DISCUSSION: In response to Committee questions, **Ms. Robb** relayed DHW had been awarded a Centers for Disease Control and Prevention grant last year and were waiting for legislative approval to spend it. Education was an area of need and they were looking for a fiscally responsible way to do that. She explained that respite in the form of tax credits, adult daycares, drop off centers, and home visits would be beneficial.

ADJOURNED: There being no further business at this time, **Senator Harris** adjourned the meeting at 4:45 p.m.

Senator VanOrden
Chair

Lena Amoah
Secretary