

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 12, 2024

TIME: 3:00 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: None

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 3:01 p.m

DOCKET NO. 16-0602-2301 **Senator Lee** asked for unanimous consent to hold **Docket No. 16-0602-2301** to the call of the Chair. The motion carried.

RS 31271 **Chair VanOrden** stated that she was removing **RS 31271** from the agenda.

RS 31205 **Relating to Public Health Records. Senator Carlson** stated the proposed legislation sought to allow examination of vital statistics and public health records concentrating on death, health, and vaccine data for statistical analysis. Currently vital statistical records were not available for statistical analysis due to a loophole in the statute and this legislation would fix that.

DISCUSSION: In response to Committee questions, **Senator Carlson** relayed the information was already available, but records were identified by social security number and the data could be accessed by other records such as sex or age.

MOTION: **Senator Zuiderveld** moved to send **RS 31205** to print. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

RS 31209 **Relating to Counselors and Therapists. Representative Young** stated the proposed legislation would protect a counselor or therapist who found themselves in a situation where they were being asked to support goals, outcomes, or behaviors that directly conflicted with their own sincerely held principles. The protections included in this legislation were protection against being targeted by a civil cause of action, criminal prosecution, or disciplinary action. There was also, in subsection 5 of this bill, the ability for a counselor or therapist to seek declaratory or injunctive relief.

MOTION: **Senator Zuiderveld** moved to send **RS 31209** to print. **Senator Bjerke** seconded the motion. **Senator Wintrow** voted nay. The motion carried by **voice vote**.

RS 30958 **Relating to Medicaid - Annual Report. Senator Foreman** stated the legislation established provisions regarding an annual report to the Idaho Legislature by the Idaho Department of Health and Welfare (DHW) describing the process of withdrawal of State participation in the Medicaid program. He relayed the process as to how to withdraw from the program involved a determination not only of how, but also a determination of from what, the State could effectively withdraw. Questions about federal entitlements, and the synergistic effects of a full or partial withdrawal on a host of interrelated programs under the Medicaid umbrella would have to be resolved.

DISCUSSION: In response to Committee questions, **Senator Foreman** stated the Legislative Services Office provided the direction of legislation but he had not considered an Office of Performance Evaluation study. He did not know if there was an additional cost for staffing to provide this report and believed it could be done within DHW's current budget. Due to budget concerns on overarching economic conditions within the Country and State there may need to be cut backs and this information would be beneficial in understanding the process.

MOTION: **Senator Zuiderveld** moved to send **RS 30958** to print. **Senator Bjerke** seconded the motion. **Chair VanOrden, Senators Lee, Harris, Wintrow, and Taylor** voted nay. The motion failed by **voice vote**.

RS 31290 **Relating to Medical Records.** **Senator Ricks** stated the legislation was intended to set a reasonable maximum charge to patients obtaining a copy of their own records from a physician or other health care service. Idaho provided no guidelines therefore companies could charge any amount they wanted to provide the copies.

MOTION: **Senator Zuiderveld** moved to send **RS 31290** to print. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

RS 31216 **Relating to Health - Electroconvulsive Treatment.** **Senator Lee** stated the therapy was already available to adults in Idaho. This legislation would lower the age to 12, as currently persons under 18 had to travel out of state for the treatment.

MOTION: **Senator Zuiderveld** moved to send **RS 31216** to print. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chair VanOrden passed the gavel to Senator Lee.

RS 30949 **Relating to Medicaid - Legislative Review Panel.** **Senator VanOrden** stated the proposed legislation established a medicaid legislative review panel made up of members of both the House and the Senate. The panel would review contracts related to Medicaid. She relayed the panel would make recommendations on key indicators and performance measures to be included in any Medicaid contract, and to recommend any data to be collected as part of the Medicaid contract.

MOTION: **Senator Harris** moved to send **RS 30949** to print. **Senator Zuiderveld** seconded the motion.

DISCUSSION: **Senator Wintrow** stated she did not approve of the panel, but would vote to print. She felt comfortable if the panel was reviewing at a top level, but not if they would be doing a drill down into the contract details.

VOICE VOTE: The motion carried by **voice vote**.

PASSED THE GAVEL: Senator Lee passed the gavel back to Chair VanOrden.

16-0601-2301 **Child and Family Services - Temporary and Proposed Rule No further testimony will be taken.** **Andie Blackwood**, Licensed Master Social Worker, Bureau Chief, Division of Family and Community Services, Department of Health and Welfare (DHW) stated the rules required licensed social workers, clinicians, and service providers to be designated as the "responsible party" by the DHW. The responsible party was the staff member designated for case planning and case management services for children and families who were receiving services. The proposed changes allowed non-licensed workers with a background in human services as well as a bachelor's degree in a human services field to fill the positions that once required a licensed social worker. The definition of "responsible party" was being expanded to not rely solely on a licensed social worker to fulfill that role to ensure the safety of children in the child welfare system.

DISCUSSION: **Senator Lee** inquired about the removal of the definition for responsible party and the addition of case carrying personnel without a definition. **Ms. Blackwood** agreed there would need to be a modification to add the definition. **Senator Lee** stated this was a change in policy, which was not allowed during rulemaking, especially when it wasn't negotiated. **Ms. Blackwood** explained the DHW was trying to move through a crisis in their staffing procedures. A temporary rule was put in place and they were doing behind-the-scenes work to get the information out, but didn't have the time to be able to do the negotiated rulemaking prior to needing the temp rule. The department did subsequently have public hearings. **Senator Wintrow** commented that she was not going to support the change. She was also concerned about the negative long-term impact. Senator Lee stated that the requirement to visit once every 90 days was stricken, but the requirement for every 30 days that had been referenced in testimony was not in the rule. Now there was no requirement to see these children face to face.

MOTION: **Senator Lee** moved to reject **Docket No. 16-0601-2301**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chair VanOrden** adjourned the meeting at 3:46 p.m.

Senator VanOrden
Chair

Lena Amoah
Secretary