

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, February 27, 2024

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Vander Woude, Vice Chairman Erickson, Representatives Blanksma, Kingsley, Mitchell, Dixon(24), Gallagher, Healey, Redman, Wheeler, Chew (Hansen), Rubel, Roberts

**ABSENT/
EXCUSED:** Representative Wheeler

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Vander Woude called the meeting to order at 9:00 a.m.

H 526: **Rep. Brooke Green**, District 18, presented **H 526**, which codifies the best practices for allowing medical training students to perform pelvic exams on unconscious patients, insuring the patient agrees to participate in this form of educational instruction.

MOTION: **Rep. Healey** made a motion to send **H 526** to the floor with a **DO PASS** recommendation.

Molly Montague, RAINN, testified in support of **H 526** which insures patients are allowed informed consent before the exams are performed. For victims of rape, the consent assures they are not re-traumatized for non-medically necessary purposes.

VOTE ON MOTION: **Chairman Vander Woude** called for a vote on the motion to send **H 526** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Green** will sponsor the bill on the floor.

H 577: **Rep. James Petzke**, District 21, presented **H 577**. In July, 2024, behavioral hospitals will no longer qualify for the upper payment limit (UPL) supplemental payments. There is a Centers for Medicaid Services (CMS) program similar to the UPL available to offset the costs of treating Medicaid patients. This legislation authorizes the Department of Health and Welfare (DHW) to apply for this program within the submission deadline.

David Lehman, Cottonwood Creek Behavioral Health Hospital, further presenting **H 577**, stating this move is in alignment with Idaho's plan to increase care and improve outcomes.

MOTION: **Rep. Blanksma** made a motion to send **H 577** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Petzke** will sponsor the bill on the floor.

RS 30988: **Rep. Jordan Redman**, District 3, presented **RS 30988**, proposed legislation to protect DNA data from being collected by the Chinese government.

MOTION: **Rep. Healey** made a motion to introduce **RS 30988. Motion carried by voice vote.**

H 596: **Rep. Jordan Redman**, District 3, presented **H 596** which protects pharmacies through increased Pharmacy Benefit Manager (PBM) transparency.

Pam Eaton, President, CEO, Idaho State Pharmacy Association, Idaho Retailers Association, continued the presentation of **H 596**. With little existing regulation, this legislation provides the guardrails necessary for transparent PBM reporting to the Department of Insurance (DOI).

During questioning **Ms. Eaton** said the additional full time employee will have the expertise to process the required in-depth reporting to assure compliance. Other state investigations into the distribution process have highlighted this lack of transparency as a high cost driver.

Marcus Hurst, Pharmacy Director, Broulims Pharmacy, testified **in support of H 596** stating the PBM take it or leave it contracts control the market. PBMs own and operate insurance companies, prescription mail order, as well as brick and mortar facilities.

Wil Edwards, Pharmacist, Northwest Pharmacy owner, testified **in support of H 596**. The DOI must regulate the business due to the multiple undisclosed ways PBMs make money.

Steve Thomas, Idaho Association of Health Plans, testified **in opposition to H 596** stating concerns regarding the consequences of this government mandate, member cost increases, and the accuracy of the fiscal note.

Korey Kreider, Pharmacist, Medicine Man Pharmacy, testified **in support of H 596**, explaining the rebates are one way the PBMs make money and regulate formularies. This legislation will positively reset the market, impacting both premiums and patients.

Melinda Merrill, Northwest Grocery Association, testified **in support of H 596**. Other statute changes have proven insufficient. While pharmacies and insurance companies are highly regulated, the middleman PBMs have little regulation.

Dr. LuGina Mendez-Harper, Pharmacist, Prime Therapeutics, testified **in opposition to H 596**. Many of the provisions contained within this complex legislation will increase costs and have patient safety issues. More time is needed to negotiate with the pharmacists to find solutions.

Richard de Blaquiére, White Cross Pharmacy, testified **in support of H 596**. Changes in other states have proven successful for both pharmacies and PBMs.

In closing remarks **Rep. Redman** declared Rule 80. This is for better transparency and a way to keep rural pharmacies available for their patients.

MOTION: **Rep. Healey** made a motion to send **H 596** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. Blanksma** made a motion to **HOLD H 596** in committee for time certain, March 5, 2024.

Committee members shared views regarding regulation and the need for more information to address this comprehensive legislation.

VOTE ON SUBSTITUTE MOTION: **Chairman Vander Woude** called for a vote on the substitute motion to **HOLD H 596** in committee for time certain March 5, 2024.

ROLL CALL VOTE: Stating the voice vote was unclear, **Chairman Vander Woude** requested a roll call vote on the substitute motion. **Substitute motion failed by a vote of 6 AYE, 6 NAY, and 1 Absent/Excused. Voting in favor of the motion: Reps. Erickson, Blanksma, Kingsley, Mitchell, Dixon(24), and Gallagher. Voting in opposition to the motion: Reps. Healey, Redman, Hansen, Rubel, Roberts, and Vander Woude. Rep. Wheeler** was absent/excused.

VOTE ON ORIGINAL MOTION:

Chairman Vander Woude called for a vote on the original motion to send **H 596** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE:

Stating the voice vote was unclear, **Chairman Vander Woude** requested a roll call vote on the original motion. **Motion carried by a vote of 7 AYE, 5 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Erickson, Healey, Redman, Hansen, Rubel, Roberts, and Vander Woude. Voting in opposition to the motion: Reps. Blanksma, Kingsley, Mitchell, Dixon(24), and Gallagher. Rep. Wheeler** was absent/excused. **Rep. Redman** will sponsor the bill on the floor.

RS 31445:

Rep. Jordan Redman, District 3, presented **RS 31445**, proposed legislation to preserve the 340b drug discount program by prohibiting PBMs from placing restrictions.

MOTION:

Rep. Healey made a motion to introduce **RS 31445. Motion carried by voice vote.**

Lee Flinn, Director, Idaho Suicide & Crisis Hotline, provided an update on the 988 lifeline which went live nationwide in 2022. Use has helped Idahoans receive mental health crisis help without law enforcement involvement. Three specialized options on the hotline assist persons speaking Spanish, veterans, and the LGBTQ community. Offering an entry point to Idaho's behavioral health system, they also help families and friends. Referrals include regional mobile crisis teams, local hospitals, and community crisis centers. Individuals in crisis talk to specialists who can de-escalate the situation, help them create safety plans and stay safe. The hotline serves all of Idaho's counties.

Stewart Wilder, Co-chairman, Idaho Suicide Prevention Coalition, presented the 2024-2028 Suicide Prevention Five-Year Plan update, which consolidate the original twelve goals to nine goals. Three working groups will concentrate on prevention, intervention, and postvention. The new plan makes the advocacy and policy work group a stand-alone group. The goal of the plan is to measurably reduce the Idaho suicide rate by the end of 2028.

The high at-risk populations are youth, middle aged males ages 25 to 54, veterans, and seniors. The actual death rate continues to increase with the highest injury mechanism being firearms. It is important to continue responsible firearm ownership education. The plan's focus is on education, awareness, access to mental health services, firearm safety, collaboration, data driven approaches, and evaluative metrics to insure Idaho is moving in the right direction to decrease the suicide rates in all groups.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 10:48 a.m.

Representative Vander Woude
Chair

Irene Moore
Secretary