

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 15, 2025

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Vander Woude, Vice Chairman Erickson, Representatives Healey, Redman, Wheeler, Beiswenger, Burgoyne, Cayler, Fuhriman, Leavitt, McCann, Rasor, Thompson, Rubel, Egbert

**ABSENT/
EXCUSED:** Representative McCann

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..

Chairman Vander Woude turned the gavel over to **Vice Chairman Erickson**.

DOCKET NO. 16-0314-2301: **Jared Larsen**, Legislative & Regulatory Affairs Chief, Department of Health and Welfare (DHW), presented **Docket No. 16-0314-2301**, a temporary Administrative Rule which requires extension of its expiration date to July 1, 2025.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0314-2301**. **Motion carried by voice vote.**

DOCKET NO. 16-0103-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0103-2401**, an Emergency Medical Services (EMS) Administrative Rule chapter repeal. The information has been consolidated into pending Administrative Rule **Docket No. 16-0101-2401**, which was approved on January 14, 2025.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0103-2401**. **Motion carried by voice vote.**

DOCKET NO. 16-0212-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0212-2401**, a Zero-Based Regulation (ZBR) rewrite for newborn screening. Existing since 1921, the changes update and consolidate the language with no impact to the process. Duplications have been removed, addressing interpretive modifications made when the rule was created.

Invited to answer questions, **Dr. Marcia Witte**, Division of Public Health, DHW, said the first screen is required within 24 to 48 hours after birth. There is no requirement for the mother and baby to remain in the hospital for the screening. No data has been collected to determine how many mothers and babies do remain in the hospital for the screening.

A committee member expressed concern regarding the changes from "must" to "should" found in Sections 100 and 200 when Idaho Code states "must." **Mr. Larsen** explained the sections pertain to requirements for the department, not the hospitals or parents, and addresses technical non-compliance for items of lesser importance.

MOTION: **Rep. Fuhriman** made a motion to approve **Docket No. 16-0212-2401**. **Motion carried by voice vote.**

DOCKET NO. 16-0213-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0213-2401**, a pending fee Administrative Rule for the Idaho Drinking Water Laboratory Certification Program. This is a ZBR review with reorganized sections designed to enhance use. Not updated since 2011, the fee increases include the base fee per discipline and the base certification fee for out-of-state chemistry and microbiology laboratories. Laboratories performing microbiology testing now have a simplified flat annual fee.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0213-2401**. **Motion carried by voice vote.**

DOCKET NO. 16-0501-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0501-2401**, a temporary Administrative Rule for DHW record usage. This small policy change assures information transparency, allowing foster families to get the information they need to be successful.

MOTION: **Rep. Cayler** made a motion to approve **Docket No. 16-0501-2401**. **Motion carried by voice vote.**

DOCKET NO. 16-0605-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0605-2401**, alleged medical neglect of disabled infants, to remove duplicative rules found elsewhere and in statute.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0605-2401**. **Motion carried by voice vote.**

DOCKET NO. 16-0418-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0418-2401**, a temporary and pending Administrative Rule for children's agencies and residential licensing. The changes align with Idaho Code for foster care licensing and provide the DHW with the ability to make additional requirements deemed necessary for the safety of the children.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0418-2401**. **Motion carried by voice vote.**

DOCKET NO. 16-0407-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0407-2401**, a chapter repeal for Idaho State Hospital North and State Hospital South. This chapter was a duplication of the applicable waiver requirements and authority.

MOTION: **Rep. Cayler** made a motion to approve **Docket No. 16-0407-2401**. **Motion carried by voice vote.**

DOCKET NO. 16-0717-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0717-2401**, substance use disorders services. This rule prevents the accumulation of costly, ineffective, and outdated regulations. The changes allow certification from a national certifier, thus increasing the possible number of providers.

Peyton Darst, representing the Idaho Behavioral Health Association, testified **in support of Docket No. 16-0717-2401**. The addition of national certification increases reciprocity, keeps quality care standards alive, and addresses the workforce shortage.

MOTION: **Rep. Wheeler** made a motion to approve **Docket No. 16-0717-2401**. **Motion carried by voice vote.**

DOCKET NO. 16-0733-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0733-2401**, adult mental health (MH) services. The changes remove those items now included in the Magellan contract, moving the DHW from a position of direct service provider to contractor of services.

Juliet Charron, Deputy Director, Medicaid and Behavioral Health (BH), DHW, was invited to answer questions. She clarified a public records request is needed to obtain a full copy of the Magellan contract. Participants and providers have access to copies through the DHW and Magellan websites. The DHW is still in the full oversight role to assure services are delivered appropriately and within Idaho policy and code. Moving personnel between the Medicaid and BH divisions has filled any staffing needs.

MOTION: **Rep. Rubel** made a motion to **HOLD Docket No. 16-0733-2401** to time certain, February 12, 2025.

She expressed concern for both the contract included items within the rules and the removal of legislative participation in any new contract. Holding the rule for one month would insure safeguards for future contracts.

Ms. Charron stated the Administrative Rule addressed only the DHW staff roles. With the deletion of those roles, the rules have been updated. The services are reflected in both the Medicaid State Plan and Medicaid federal authority, which describes the DHW oversight role and the provider role of Magellan.

SUBSTITUTE MOTION: **Rep. Wheeler** made a substitute motion to approve **Docket No. 16-0733-2401. Motion carried by voice vote. Reps. Rubel and Egbert** requested they be recorded as voting **NAY**.

DOCKET NO. 16-0737-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0737-2401**, Administrative Rule changes to remove the provider actions now being handled by a contracted service provider.

Treena Clark, Public Policy Manager, DHW, noted Idaho Code Title 16, Chapter 24 covers children's MH services and Title 39, Chapter 31 is for adult MH services.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0737-2401. Motion carried by voice vote.**

DOCKET NO. 16-0313-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0313-2401**, a ZBR rewrite to eliminate outdated duplicative wording and streamline the chapter. There were no substantive changes.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0313-2401. Motion carried by voice vote.**

DOCKET NO. 16-0309-2401: **Jared Larsen**, Legislative & Regulatory Affairs Chief, DHW, presented **Docket No. 16-0309-2401** for the Medicaid Basic Plan. The changes remove duplications with controlling federal regulations and provide the Idaho legislature the ability to make allowed policy changes. Also reflected is direction to the DHW to follow the legislative scope of practice decisions. Section 009 is not intended to trigger any background check reporting prior to an employer's knowledge of a crime having been committed.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0309-2401.**

Ms. Charron, regarding the prosthetic and orthotic devices section, said it represents existing Idaho and Medicare policies. Applicable documentation will be updated and available to the public, if requested, prior to the rule's effective date.

Dr. Adams stated Medicaid covers the "what" and Idaho's legislature determines the "who." If the legislature creates a new "who," Medicaid automatically pertains to them.

VOTE ON MOTION: **Vice Chairman Erickson** called for a vote on the motion to approve **Docket No. 16-0309-2401. Motion carried by voice vote.**

Vice Chairman Erickson turned the gavel over to **Chairman Vander Woude**.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:30 a.m.

Representative Erickson
Chair

Irene Moore
Secretary