

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 15, 2025

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chair VanOrden, Vice Chairman Bjerke, Senators Harris, Zuiderveld, Lenney, Shippy, Blaylock, Keyser, and Wintrow

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..

MINUTES APPROVAL: **Senator Zuiderveld** moved to approve the Minutes of January 8, 2025. **Vice Chairman Bjerke** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chair VanOrden passed the gavel to Vice Chairman Bjerke.

DOCKET NO. 16-0103-2401 **Emergency Medical Services (EMS) - Agency Licensing Requirements (Chapter Repeal) - Pending Rule.** **Jared Larsen**, Legislative and Regulatory Affairs Chief, Department of Health and Welfare (Department), stated that this was one of six chapters deleted and consolidated into one chapter, the replacement of which was approved by the Committee.

MOTION: **Senator Harris** moved to approve **Docket No. 16-0103-2401**. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0212-2401 **Newborn Screening (ZBR Chapter Rewrite) - Pending Rule.** **Mr. Larsen** mentioned this docket consolidated rules regarding the screening of newborns. This concerned internal laboratory processes and made no substantive changes.

DISCUSSION **Senator Shippy** inquired if there was informed consent by the parents regarding retesting of infants in section 100.02(b) on page 87. **Mr. Larsen** mentioned that infant screening had been in Idaho Code since 1921 and contained religious exceptions that could be invoked.

MOTION: **Senator Blaylock** moved to approve **Docket No. 16-0212-2401**. **Chair VanOrden** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0213-2401 **State of Idaho Drinking Water Laboratory Certification Program (ZBR Chapter Rewrite, Fee Rule) - Pending Rule.** **Mr. Larsen** stated that this docket consolidated rules regarding laboratory drinking water testing and outlined the changes in fee amounts. Annual base certification fee for Idaho labs increased from \$50 to \$100 per chemistry discipline. Microbiology testing moved to a flat annual fee of \$150. The base certification for out-of-state chemistry labs increased from \$50 to \$200. These fees were not expected to be burdensome and received no concerns during negotiated rule making.

DISCUSSION: **Senator Harris** asked if Idaho would be subject to potential changes in EPA regulations and what that process entailed. **Christopher Ball**, Chief of the Bureau of Laboratories, Division of Public Health, stated this rule was an update to testing for two pathogens. Since no laboratories in Idaho tested for these specific pathogens, there was no impact to the state.

MOTION: **Senator Harris** moved to approve **Docket No. 16-0213-2401**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**. **Senator Lenney** requested that he be recorded as voting nay.

DOCKET NO. 16-0501-2401 **Use and Disclosure of Department Records - Temporary and Pending Rule.** **Mr. Larsen** explicated that this docket maximized the amount of information the Department could provide foster parents regarding the needs of foster children in their care within the bounds of law.

DISCUSSION **Senator Wintrow** asked if confidentiality was covered in foster parent training. **Mr. Larsen** confirmed. **Senator Blaylock** asked if this pertained to information shared to schools and health providers. **Mr. Larsen** replied it would, if within the permits of law.

MOTION: **Senator Wintrow** moved to approve **Docket No. 16-0501-2401**. **Senator Blaylock** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-605-2401 **Alleged Medical Neglect of Disabled Infants (Chapter Repeal) - Pending Rule.** **Mr. Larsen** described this rule chapter was repealed and replaced with the dockets previously approved.

MOTION: **Senator Harris** moved to approve **Docket No. 16-605-2401**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0418-2401 **Children's Agencies and Residential Licensing - Temporary and Pending Rule.** **Mr. Larsen** explained that this rule reflected changes previously adopted and allowed the Department to add requirements concerning children's agencies.

MOTION: **Senator Harris** moved to approve **Docket No. 16-0418-2401**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0407-2401 **Fees for State Hospital North and State Hospital South (Chapter Repeal) - Pending Rule.** **Mr. Larsen** stated this docket duplicated other Centers for Medicare and Medicaid Services (CMS) regulations which would be repealed if approved.

DISCUSSION: **Senator Wintrow** asked if this changed the statutory obligation to provide CMS services. **Mr. Larsen** clarified it would not as the requirement existed in statute.

MOTION: **Senator Blaylock** moved to approve **Docket No. 16-0407-2401**. **Chair VanOrden** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0717-2401 **Substance Use Disorders (SUD) Services - Pending Rule.** **Mr. Larsen** reported the Department was no longer a service provider for SUDs treatment and this docket allowed contractors to be certified by new credentialing bodies. This enabled workers with out-of-State credentials to fill work shortages.

TESTIMONY: **Peyton Darst**, Idaho Behavioral Health Association, spoke in support of the change to accept credentialing agencies as they provided individuals greater access to care.

MOTION: **Senator Wintrow** moved to approve **Docket No. 16-0717-2401**. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0733-2401 **Adult Mental Health Services - Pending Rule.** **Mr. Larsen** noted that this docket clarified that the Department was no longer a direct service provider for adult mental health services and instead contracted out this work to Magellan Health.

MOTION: **Senator Harris** moved to approve **Docket No. 16-0733-2401**. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0737-2401 **Children's Mental Health Services (ZBR Chapter Rewrite) - Pending Rule.** **Mr. Larsen** explained that this docket similarly reflected that the Department was no longer a direct service provider for children's mental health care but contracted out this work to Magellan Health.

TESTIMONY: **Brittany Shipley** of Hailey, ID voiced concerns about potential complexity resulting from contracted service providers and confusion about credentials of those determining medical necessity. At **Senator Wintrow** 's request, **Ms. Shipley** restated the need for those in complex situations to have a clear process of care and a cohesive understanding of children's needs. **Juliet Charron**, Deputy Director, Department of Health and Welfare over Medicaid and Behavioral Health, clarified the current Department practice that a specialized clinician determined medical necessity. **Chair Van Orden** asked about the process of addressing concerns with the Department. **Mr. Larsen** shared that avenues to address complaints and complex situations exist.

MOTION: **Senator Zuiderveld** moved to approve **Docket No. 16-0737-2401**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0313-2401 **Consumer-Directed Services (ZBR Chapter Rewrite) - Pending Rule.** **Mr. Larsen** explained that this docket consolidated rules without making substantive change.

DISCUSSION: **Chair VanOrden** inquired about changes to the Medicaid Advisory Committee. **Ms. Charron** noted the Department removed their mention from the rules because it appeared in federal guidelines.

MOTION: **Senator Shippy** moved to approve **Docket No. 16-0313-4301**. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0309-2401 **Medicaid Basic Plan Benefits (ZBR Chapter Rewrite) - Pending Rule.** **Mr. Larsen** described this docket as a condensing of rules to contain only legislatable provisions. The docket removed Department oversight of legislative decisions, referencing 2023 House Bill No. 153, to communicate legislative power. While they received comments about Section 009, **Mr. Larsen** assured that the Department did not require individuals to alert them of medical bills that the individual had not yet received.

DISCUSSION: **Chair VanOrden** asked for clarification on 210.01(c), page 123, prohibiting reimbursement for services provided after the individual's date of death. **Ms. Charron** shared that this section assisted the Medicaid Program Integrity Unit to ensure appropriate billing. She explained further the reimbursement process of dually eligible Medicare and Medicaid providers. **Senator Blaylock** noted that expenses such as education and food delivery were not covered by Medicaid, and asked if they previously had. **Mr. Larsen** replied that the new rule clarified existing Idaho state policy without creating substantive change. **Senator Blaylock** inquired about interest on delayed payments and whether Medicaid identification cards would be considered government issued. **Mr. Larsen** replied that late payments from the Department were atypical and would follow up with more information. **Ms. Charron** clarified that since the IDs came from the state, they could not serve as federal identification. At the request of Senator Wintrow, **Ms. Charron** "pinkly promised" the Committee that there were no policy changes in the docket.

MOTION: **Senator Harris** moved to approve **Docket No. 16-0309-2401**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chair Bjerke passed the gavel to Chair VanOrden.

ADJOURNED: There being no further business at this time, **Chair VanOrden** adjourned the meeting at 4:12 p.m..

Senator VanOrden
Chair

Rebecca Kozlowski
Secretary