

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, January 21, 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 3:04 p.m.

MINUTES APPROVAL: **Senator Lenney** moved to approve the Minutes of January 13, 2025. **Senator Blaylock** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Shippy** moved to send the Gubernatorial appointment of **Lance Kellogg** to the Board of Environmental Quality to the floor with the recommendation that he be confirmed by the Senate. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Harris** moved to send the Gubernatorial appointment of **Dennis Leikam** to the Board of Environmental Quality to the floor with the recommendation that he be confirmed by the Senate. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-3601-2401 **Rules of the State Board of Pharmacy - Adoption of Temporary Rule.** **Nicki Chopski**, Bureau Chief, Health Professions, Division of Occupational and Professional Licensing (DOPL) presented the following temporary rule was in accordance with House Bill 527, enacted in 2024. This rule moved several sections of rule to statute, removed duplicitous language, and streamlined the emergency medications provisions of the Practice Act. She asked the Committee to take no action and allow the temporary rule to expire.

MOTION: **Senator Harris** moved to take no action on **Docket No. 24-3601-2401**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-3601-2402 **Rules of the Idaho State Board of Pharmacy (ZBR Chapter Rewrite) - Pending Rule.** **Ms. Chopski** introduced that this rule combined definitions, moved provider performance to statute in accordance with House Bill 527, struck duplicitous fees, reworded continuing education requirements, and changed registration to biennial renewal in alignment with House Bill 505. **Ms. Chopski** addressed conversations last week surrounding Section 406.05, which limited the labeling and distribution of compounded product (Section 200.14(e) i, ii in the new rule book). Since the Federal Drug Administration (FDA) had little prohibition on compounded products, the Idaho State Board of Pharmacy (Board) was willing to rework the section in accordance with stakeholder values.

DISCUSSION: **Senator Lenney** addressed Section 200.14(e) i, ii and inquired why Idaho's labeling rules on compounded drug products would be more restrictive than the FDA. He voiced concerns that limiting compounded products would increase prices and harm individuals. **Ms. Chopski** remarked that occasionally states faced legal action for adopting regulations before the federal government and the Board felt cautious about proceeding. If the rule were to go into effect, there would still be avenues for accessing compound products. **Senator Lenney** asked if repealing the law would protect the State from lawsuits and **Ms. Chopski** replied striking Section 406.05 could have that affect.

Senator Wintrow invited Ms. Chopski to address the dangers of compounding. **Ms. Chopski** stated opinions existed on a spectrum of very safe to harmful. Regular pharmacies viewed compounded products with mild caution. **Senator Wintrow** invited the Committee to proceed with safety in mind and have conversations about compound drug product labeling moving forward.

MOTION: **Senator Harris** moved to approve **Docket No. 24-3601-2402**. **Chair VanOrden** seconded the motion.

SUBSTITUTE MOTION: **Senator Lenney** moved to approve **Docket No. 24-3601-2402** striking section 200.14(e) i, ii. **Senator Zuiderveld** seconded the motion.

DISCUSSION: **Senator Lenney** concluded that it was contrary to Idaho's values to enforce a rule not required by the FDA. He remarked that striking the section would minimize red tape while remaining in accordance with federal law and allowing access to medications.

ROLL CALL VOTE: **Vice Chairman Bjerke** called for a roll call vote on the substitute motion. **Chair VanOrden, Vice Chairman Bjerke, Senator Zuiderveld, Senator Lenney, Senator Shippy, Senator Blaylock,** and **Senator Keyser** voted aye. **Senator Wintrow** and **Senator Harris** voted nay. The substitute motion passed by **roll call vote**.

DOCKET NO. 24-3303-2401,
DOCKET NO. 24-3301-2401
General Provisions of the Board of Medicine (ZBR Chapter Repeal) - Pending Rule and Rules of the Board of Medicine for the Practice of Medicine and Osteopathic Medicine in Idaho (ZBR) Chapter Rewrite, Fee Rule) - Pending Rule.. **Ms. Chopski** relayed that Rule 24-3303-2401 was repealed and replaced with Rule 24-3301-2401. The new rule gave clarity for licensure of international medical schools graduates, described exemption for international physicians, adjusted licensure fees, and clarified pre-litigation panel participation for physicians dealing with malpractice cases.

DISCUSSION: **Senator Shippy** asked why Rule 100.01(c) used the term "may" rather than "must" regarding additional circumstances under which the Board of Medicine (Board) may further inquire into qualifications for licensure. **Ms. Chopski** explained that was not new language, and that it was combined from the general qualifications into requirements for residents. **Senator Shippy** next asked Ms. Chopski to give an example of a circumstance under which the Board would, under Rule 100.01(c), deem it necessary to limit, condition, or restrict a newly issued license. **Ms. Chopski** replied that the Board would have the authority to limit or condition a license based on a physical or mental condition of the physician. **Senator Shippy** inquired whether there were any standards. **Ms. Chopski** responded that the Board would generally send the physician to another physician for an evaluation.

Chair VanOrden asked whether the Board would ever issue a license to a physician who was not lawfully present in the United States. **Ms. Chopski** stated that she could not think of a circumstance in which that would happen. She further stated that international physicians may lawfully come under work programs. **Chair VanOrden** asked Senator Wintrow, who sponsored the legislation regarding international physicians, to comment on this. **Senator Wintrow** commented that she trusted the Board and felt they would not issue a license to a person not lawfully present in the United States.

MOTION: **Senator Wintrow** moved to approve **Docket No. 24-3301-2401** and repeal **Docket No. 24-3303-2401**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 24-3302-2401 **Rules for the Licensure of Physician Assistants (ZBR Chapter Rewrite) - Pending Rule.** **Ms. Chopski** presented that these rules removed duplicative definitions and licensure requirements, reorganized continuing education, and clarified rules regulating physician assistant graduates from international medical schools. Additionally, the Board eliminated certain fees such as reinstatement and inactive license fees.

DISCUSSION: **Senator Lenney** inquired about the requirement in Section 100.01 to take the Physician Assistant National Certifying Examination (PANCE) through the National Commission on Certification of Physician Assistants (NCCPA). **Ms. Chopski** explained that the PANCE was the certifying exam for Physician Assistants and that this rule stated that.

MOTION: **Senator Lenney** moved to approve **Docket No. 24-3302-2401** striking Section 100.01. **Senator Zuiderveld** seconded the motion.

DISCUSSION: **Senator Lenney** expressed concern about DEI references on the NCCPA's website not being in accordance with upcoming federal action. **Ms. Chomski** responded that the rule addressed a gap identified by statute to express the name of the PANCE exam.

Senator Shippy asked about the effect if the rule was not approved. **Ms. Chopski** replied that there would be a gap, which required the listing of the approved exam and the rule, but the exam would still be taken.

SUBSTITUTE MOTION: **Senator Wintrow** moved to approve **Docket No. 24-3302-2401** intact. **Senator Harris** seconded the motion.

DISCUSSION: **Chair Van Orden** stated that she would not vote in favor of the substitute motion because the PANCE would be taken whether or not it was explicitly mentioned in the rule.

ROLL CALL VOTE: **Senator Lenney** called for a roll call vote on the substitute motion. **Senator Blaylock**, **Senator Wintrow** and **Senator Harris** voted aye. **Chair VanOrden**, **Vice Chairman Bjerke**, **Senator Zuiderveld**, **Senator Lenney**, **Senator Shippy**, and **Senator Keyser** voted nay. The motion failed.

VOICE VOTE: The original motion to approve **Docket No. 24-3302-2401** striking section 100.01 carried by a **voice vote**. **Senator Wintrow** wished to be recorded as voting nay.

DOCKET NO. 24-3305-2401 **Rules for the Licensure of Athletic Trainers to Practice in Idaho (ZBR Chapter Rewrite) - Pending Rule.** **Mr. Duffin**, Program Director of Health Professions, stated the only changes were made to Section 100 which simplified and adopted existing language from previous rules. The docket removed excess language not congruent with Idaho Code and eliminated duplicative fees.

MOTION: **Chair VanOrden** moved to approve **Docket No. 24-3305-2401**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
24-3306-2401**

Rules for the Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho (ZBR Chapter Rewrite) - Pending Rule. Mr. Duffin described that the rule simplified procedure, permitted licensees to take any continuing education courses from any provider, not solely board approved courses, and clarified dual licensing and permitting.

MOTION:

Senator VanOrden moved to approve **Docket No. 24-3306-2401**. **Senator Blaylock** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
24-3307-2401**

Rules for the Licensure of Dietitians (ZBR Chapter Rewrite) - Pending Rule. Mr. Duffin mentioned this rule made no substantive changes outside Section 400 which struck an inactive conversion fee not congruent with Idaho Code § 67.2614.9.

MOTION:

Senator Blaylock moved to approve **Docket No. 24-3307-2401**. **Senator VanOrden** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
24-3304-2401**

Rules for the Licensure of Naturopathic Medical Doctors (ZBR Chapter Rewrite) - Pending Rule. Mr. Duffin explained this rule made no substantive changes, instead removed excess words and struck portions not in compliance with Idaho Code § 67.2614.9.

MOTION:

Senator VanOrden moved to approve **Docket No. 24-3304-2401**. **Senator Lenney** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chair VanOrden** adjourned the meeting at 4:33 p.m.

Senator VanOrden
Chair

Rebecca Kozlowski
Secretary