

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, January 19, 2026

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman 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: **Chairman VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:03 p.m.

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

NOTE: **Vice Chairman Bjerke** announced the order of the meeting, the Committee would review **Docket No. 16-0417-2501** before **Docket No. 16-0322-2501**.

DOCKET NO. 16-0210-2501 **Idaho Reportable Diseases (ZBR Chapter Rewrite)- Pending Rule.**
Jared Larsen, Chief of Staff, Idaho Department of Health and Welfare (IDHW) explained the proposed rule changes. The Idaho Reportable Diseases chapter concerned authorities in law since at least 1909. The chapter was reviewed to streamline language in accordance with Executive Order 2020-01: Zero-Based Regulation. The proposed changes reduced the chapter by approximately 40 percent. Mr. Larsen explained the reduction was achieved by removing language that was duplicative of Idaho Statute or other sections of administrative rule.
Mr. Larsen highlighted the removed reference to newborn screening diseases which was codified in Chapter 9, Title 39, Idaho Code when S 1014 passed last year. He assured the Committee no diseases were removed from required reporting during the reorganization of the rule chapter. There were two additions to the rule chapter.

1. Rule 050. Reportable or Restrictable Diseases, Conditions and Reporting Requirements: Viral Hemorrhagic Fever was added as an immediately notifiable disease. Although rare in Idaho, these type of diseases were easily spread and often deadly.
2. Rule 380. Lead Poisoning: Updated to align with CDC standards on the reportable disease requirement for lead poisoning. Decreased the reporting requirement to 3.5 micrograms or more per deciliter from 5 micrograms or more per deciliter.

DISCUSSION: **Senator Zuiderveld** stated that the use of incorporation by reference decreased state sovereignty over health care. Senator Zuiderveld highlighted the use of incorporation by reference in Rule 002. Documents Incorporated by Reference.

Mr. Larsen stated the references were last altered in 2022 and deferred to Dr. Christine Hahn. **Dr. Christine Hahn**, Medical Director of the Idaho Division of Public Health, (IDHW) informed the Committee IDHW was encouraged to utilize incorporation by reference to simplify regulations about 15 years ago. Regulations transitioned to guidance documents which gave states and providers more flexibility. The majority of documents incorporated by reference were guidelines, best practices, or clinical recommendations to providers, rather than mandates.

Senator Wintrow asked Mr. Larsen to confirm the ZBR rewrite made no substantive changes. It mainly consisted of reorganization and updates recommended by former Director Dr. Alex Adams. **Mr. Larsen** stated Senator Wintrow was correct.

Senator Lenney requested Mr. Larsen explain why Rule 022. Penalty Provisions was struck. **Mr. Larsen** stated Rule 022. Penalty Provisions was removed because it was duplicative of Idaho Code §56-1003.

Senator Blaylock asked for an example of when Rule 093. Testing Without Informed Consent would be needed. **Dr. Hahn** stated the rule was put into place approximately 20 years ago to protect first responders who were frequently exposed to blood and bodily fluids when providing emergency services. She explained the language had been previously considered for removal, but first responders testified the rule provided assurance they would be tested after exposure when consent could not be obtained. For example, the responder was unconscious or passed away in the field.

Mr. Larsen added the statutory authority that governed these rules was in Idaho Code Chapter 10, Title 29 and Chapter 6, Title 39. The two chapters of code would benefit from modernization and updated terminology. He stated IDHW would assist the Committee in updating the statutes if it wished to proceed.

Senator Lenney requested Mr. Larsen explain how the state compelled reporting on COVID-19 as it was not listed in the rule chapter as a reportable disease. **Mr. Larsen** stated there was general authority for the Board of Health and Welfare and the Director of IDHW to maintain the health of Idahoans under Idaho Code. **Dr. Hahn** elaborated that IDHW was conscious of its authorities or lack there of and primarily relied on information from hospitals to track cases and deaths during the pandemic. Additionally, the Department had authority to address extraordinary occurrence of illness including clusters and unusual outbreaks that may pose significant risk to the public. This authority was used to assess the public health risk of new diseases not listed in Rule 16.02.10.050.

MOTION: **Senator Harris** moved to approve **Docket No. 16-0210-2501**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0227-2501 **Idaho Radiation Control Rules (ZBR Chapter Rewrite) - Pending Rule**
Mr. Larsen explained the proposed rule changes to the regulation of x-ray and mammography machines. The chapter was reviewed in accordance with Executive Order 2020-01: Zero-Based Regulation. The proposed changes decreased the chapter by 70 percent from ten pages to three pages of regulation. All incorporation by reference was removed and the rules were made easier to navigate and enforce. All license fees remained the same. New language was added to require out-of-state licensees operating in Idaho through reciprocity to register with IDHW within 30 days.

MOTION: **Chairman VanOrden** moved to approve **Docket No. 16-0227-2501**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0321-2501 **Developmental Disabilities Agencies (DDA) (Chapter Rewrite) - Pending Rule.**
Mr. Larsen explained this chapter represented a comprehensive rewrite and consolidation of the rules governing the licensing of residential habilitation agencies and developmental disability agencies. The proposed changes introduced licensing requirements for adult residential care providers. Consolidating these provider types into a single chapter streamlined regulatory requirements as both chapters shared the same statutory authority under Idaho Code §39-4605. There was no negative public comment made during negotiated rulemaking related to the proposed changes.

DISCUSSION: **Senator Zuiderveld** asked why the word agency was changed to organizations under Rule 009. Criminal History and Background Check Requirements. **Mr. Larsen** stated the change was not substantive, it was a stylistic change for consistency throughout the rule chapter.

Senator Wintrow asked Mr. Larsen to explain why no negative public comment was received for the proposed changes in this rule chapter. **Mr. Larsen** believed people were happy with the consolidation of rules into one chapter. Many providers offered different services that were governed differently depending on the care delivery setting. The consolidation created one chapter governing all disability services regardless of the setting.

MOTION: **Chairman VanOrden** moved to approve **Docket No. 16-0321-2501**. **Senator Blaylock** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0417-2501 **Residential Habilitation Agencies (ZBR Chapter Repeal) - Pending Rule**
Mr. Larsen explained this chapter was inserted into administrative rule chapter 16.03.21, therefore he asked the Committee to approve the repeal of this rule chapter.

MOTION: **Senator Harris** moved to approve **Docket No. 16-0417-2501**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0322-2501 **Residential Assisted Living Facilities (ZBR Chapter Rewrite) - Pending Rule**
Mr. Larsen explained the revisions to this docket focused on improving clarity and organization. Language duplicative of existing statutory requirements was removed.

DISCUSSION: **Senator Wintrow** asked Mr. Larsen if there were exceptions to Rule 217. Termination of Admission Agreement. **Mr. Larsen** deferred to Tom Moss. **Tom Moss**, Residential Assisted Living Licensing Program Supervisor, IDHW, explained that when a resident was discharged the facility was required to provide either a written 30 day notice or an emergency discharge notice. **Senator Wintrow** asked Mr. Moss to clarify what situations would justify an emergency discharge. **Mr. Moss** stated situations included private non-payment, a resident exceeding the level of care the facility was able to provide, the resident was injured and required treatment, or a resident exhibited maladaptive behaviors outside the facility's scope of care. **Senator Wintrow** asked what requirements existed to assist vulnerable patients with discharge plans. **Mr. Moss** stated in a non-payment scenario with Medicaid the patient was given a 30 day notification that included appeal rights and disability rights. **Senator Wintrow** stated she did not want to put undue burden on facilities and expressed her concern for inadequate funding putting vulnerable individuals at risk of homelessness or incarceration.

Senator Blaylock noted she found an error and asked if it could be fixed after the docket was approved. **Mr. Larsen** stated the rules office had the ability to correct small errors.

MOTION: **Senator Blaylock** moved to approve **Docket No. 16-0322-2501**. **Chairman VanOrden** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman VanOrden** adjourned the meeting at 3:48 p.m.

Senator VanOrden
Chair

Madyson Crea
Secretary