

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Wednesday, January 21, 2026

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chair VanOrden, Vice Chair 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.

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

**DOCKET NO. 15-0230-2401** **Business Enterprise Program (ZBR Chapter Rewrite) - Pending Rule.**  
**Arianah Ruzovich**, Business Enterprise Program Specialist, Idaho Commission for the Blind and Visually Impaired (ICBVI), explained the proposed rule changes. She informed the Committee that the purpose of the Business Enterprise Program was to provide remunerative employment and economic enhancement opportunities for people who were blind. This was accomplished through the operation of vending facilities on government properties. Under Executive Order 2020-01 Zero-Based Regulation, ICBVI worked with stakeholders to streamline language and reduce duplicative, ineffective, or outdated regulations. The rule chapter was updated to comply with federal regulation 34 CFR 395. The proposed changes reduced the chapter by approximately 47 percent. The blind vendors in Idaho and the ICBVI Board of Commissioners approved the proposed rule changes. The Rehabilitation Services Administration of the U.S. Department of Education also approved the proposed rule changes, which was required per federal regulation.

**MOTION:** **Senator Wintrow** moved to approve **Docket No. 15-0230-2401**. **Senator Blaylock** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-2601-2501** **Rules of Midwifery - Temporary and Pending Rule.**  
**Orin Duffin**, Health Professions Bureau Program Director, Division of Occupational and Professional Licenses (DOPL), explained the proposed changes to the rule chapter. In 2024 the Board promulgated a temporary rule to lower midwifery licensing fees to comply with the allowable cash balance window of 30 to 150 percent of five-year average rolling expenditures mandated by H 152 passed in 2024. The Board wanted to make this fee decrease permanent. The changes to Rule 400. Fees, included adding "not more than" language and decreasing the fee ceiling for initial application, initial licensure, and renewal to \$90.

**DISCUSSION:** **Senator Harris** clarified that the fee of \$200 was crossed out and replaced with not more than \$90. He asked what the fee was currently. **Mr. Duffin** stated the current fee for initial licensure and licensure renewal was currently \$35.

**Senator Zuiderveld** asked if the number of applicants increased due to the decreased fees. **Mr. Duffin** stated that last year there was an increase in licensed nurses and midwives.

**MOTION:** **Senator Blaylock** moved to approve the temporary and pending rules in **Docket No. 24-2601-2501**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-3101-2501** **Rules of the Idaho State Board of Dentistry - Temporary and Pending Rule.** **Mr. Duffin** explained the proposed changes to the rule chapter. In accordance with 2024 H 152 the Board of Dentistry (Board) was working to reduce their cash balance. In 2024 the Board passed a temporary rule to decrease licensure fees. The Board wanted to continue this fee decrease for its licensees and make this temporary rule permanent. The changes to Rule 400. Fees, included adding "not more than" language to allow the Board the ability to decrease fees based on its financial standing.

**DISCUSSION:** **Senator Zuiderveld** clarified that the fee for dentist specialist would no longer be \$160, it would be no more than \$375. **Mr. Duffin** clarified that Senator Zuiderveld was looking at the removal of an inactive license type. The fee for active licensure was not changed, but the "not more than" language was added. Additionally, the Board voted to decrease all fees by 25 percent.

**MOTION:** **Chair VanOrden** moved to approve the temporary and pending rules in **Docket No. 24-3101-2501**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**. **Senator Harris** requested that he be recorded as voting nay.

**DOCKET NO. 24-3401-2501** **Rules of the Idaho Board of Nursing - Temporary and Pending Rule.** **Mr. Duffin** explained the proposed rule changes. In 2024 the Board promulgated a temporary rule to lower licensing fees in compliance with the allowable cash balance window of 30 to 150 percent of five-year average rolling expenditures mandated by 2024 H 152. The changes to Rule 400. Fees, included adding "not more than" language to allow the Board the ability to decrease fees based on its financial standing. Additionally, the Board voted to decrease all fees by 20 percent.

**MOTION:** **Senator Shippy** moved to approve the temporary and pending rules in **Docket No. 24-3401-2501**. **Senator Blaylock** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0501-2501** **Rules of the Board of Drinking Water and Wastewater Professionals (Fee Rule) - Pending Rule.** **Jessica Spoja**, Building, Construction, and Real Estate Licensing and Registration Program Manager, DOPL, explained the proposed rule changes. She stated during the negotiated rulemaking process, DOPL and the Board of Drinking Water and Wastewater Professionals (Board) held five open public board meetings, one public hearing, and considered all public comments. Before rulemaking started, all licensees were emailed information on how to attend meetings, where to view draft copies of the proposed rule changes, and how to submit comments.

**Ms. Spoja** outlined the following proposed rule changes:

1. Rule 100.01 updated the license table to define license types and disciplinary actions.
2. Rule 100.02 clarified that endorsement applicants must meet the same licensure requirements as initial licensure applicants.
3. Rule 100.03 specified exam scores were valid for one year after the examination date.

4. Rule 100.04
  - a. Clarified onsite work experience must be relevant to the licensure type.
  - b. Removed the requirement to obtain specific system experience for each license type, decreasing regulatory burden.
  - c. Aligned apprenticeship programs with the class level of licenses.
  - d. Removed the requirement to obtain 3,200 hours in a responsible charge role to earn a Class 3 or 4 License.
5. Rule 100.04.(b) clarified the required continuing education credits needed in place of work experience.
6. Rule 100.05 was revised to give the Board authority to audit board approved exam providers.
7. Rule 100.06 updated continuing education requirements.
8. Rule 200.02 removed Grandparent License.
9. Rule 400 increased licensure fees in an effort to reach a cash balance of at least 30 percent of the Board's five-year rolling average expenditures, as required under Idaho Code § 67-2608.

**Ms. Spoja** stated the word "drinking" was added in rules referencing drinking water for consistency.

**DISCUSSION:** **Senator Zuiderveld** asked if the Board would start shifting from local and state regulation to the U.S. Department of Environmental Quality (DEQ) and federal regulations to oversee the profession. **Ms. Spoja** stated the Board had not had any discussions with DEQ, however she offered to discuss the possibility further.

**TESTIMONY:** **Jeri DeLange**, lobbyist for the Idaho Rural Water Association, read a letter of support for the proposed rule changes (Attachment 1).

**DISCUSSION:** **Senator Lenny** clarified that the minimum required cash balance was 30 percent and asked about the Board's current cash balance. **Ms. Spoja** stated the Board had a negative 133 percent cash balance.

**Senator Shippy** asked why fee increases were needed now and when the Board's cash balance began to decline. He further inquired if there was a tipping point or if it had been trending down over time. **Ms. Spoja** stated the Board was created in 2004, and had never increased fees. In 2014, the Board had a cash balance of approximately \$400,000 and decreased the licensure fee from \$35 to \$30. When the Board merged with DOPL their cash balance was about \$200,000 and it continued to trend downward. There were several large costs that contributed to the recent deficit.

**Senator Shippy** asked why the Grandparent License was removed under Rule 400 Practice Standards. **Ms. Spoja** explained licensees who held this license were grandfathered-in to a Class 1 License. This applied to approximately five licensees, all of whom had since obtained a higher class license.

**Senator Zuiderveld** asked if a decline in licensees was contributing to the deficit. **Ms. Spoja** stated when the Board was created there were 3,800 licensees and at the end of fiscal year 2025 there were just over 4,000 licensees.

**MOTION:** **Chair VanOrden** moved to approve **Docket No. 24-0501-2501**. **Senator Wintrow** seconded the motion.

**DISCUSSION:** **Senator Lenney** understood the need to comply with Idaho Code § 67-2608, but did not agree with raising fees, therefore he would be voting nay. **Vice Chair Bjerke** noted that the creation of DOPL implemented efficiencies but also financially taxed all boards.

**ROLL CALL  
VOTE:**

**Vice Chair Bjerke** called for a roll call vote. **Senators Blaylock, Wintrow, Vice Chair Bjerke, and Chair VanOrden** voted aye. **Senators Harris, Zuiderveld, Lenney, Shippy, and Keyser** voted nay. The motion failed.

**DOCKET NO.  
24-1701-2501**

**Rules of the State Board of Acupuncture (Fee Rule) - Pending Rule**

**John Price**, Occupational Licenses Bureau Chief, DOPL and Executive Officer for the State Board of Acupuncture (Board), explained the proposed rule changes and the negotiated rulemaking process. He stated the Idaho Acupuncture Association was represented at all meetings.

**Mr. Price** outlined the following rule changes.

1. Rule 100.02 was removed as it was duplicative of statute.
2. Rule 201.03 removed the requirement for a supervisor to provide the Board written notice when terminating supervision.
3. Rule 300.02 removed language regarding assessing, investigative, and prosecution cost and fees because it was duplicative of DOPL's authority under Idaho Code § 12-117.
4. Rule 400 increased fees in order to comply with Idaho Code §§ 67-2608 and 54-4710.

**Mr. Price** added that the Board had a negative balance of \$60,000 which was negative 129 percent of the five-year rolling average. The Board had seen no growth in new licensees. With the fee increase, the Board's fees will still remain comparable or lower than fees in surrounding states.

**DISCUSSION:**

**Senator Wintrow** asked what would happen if the Committee did not approve the docket. **Mr. Price** stated the Board's finances would continue a downward trend. **Senator Wintrow** asked why it was important for the Board to be solvent. **Mr. Price** stated acupuncturists must be licensed to purchase acupuncture needles. **Senator Wintrow** asked how the Board used fees. She clarified that the licensees were amiable to the fee increase and there was no opposition. **Mr. Price** stated the fees were used to legitimize the profession and pay for operation costs. Under DOPL the Board's personnel and operating expenditures have decreased by 36 percent.

**Senator Zuiderveld** asked for the causes and timeline of the deficit and how the Board had been operating with a \$60,000 deficit. **Mr. Price** explained the balance had been slowly trending downward. He added when DOPL formed there were a few significant expenditures to the Board, including moving to a new facility and a new licensing system.

**Senator Keyser** asked what specific service the licensure fees were funding. **Mr. Price** stated time was spent by staff reviewing applications to ensure licensure criteria was met. Board operations and licensing were the primary expenditures.

**NOTE:**

**Vice Chair Bjerke** stated the Committee would wait to vote on **Docket No. 24-1701-2501** until the individual virtually testifying was able to log on.

**DOCKET NO.  
24-0601-2501**

**Rules for the Licensure of Occupational Therapists (Fee Rule) - Pending Rule**

**Mr. Duffin** explained at the end of fiscal year 2025, the Occupational Therapy Licensure Board (Board) had a cash balance of \$16,463, which represented 20 percent of the Board's average five-year rolling expenditures. The balance was expected to decrease by about \$11,000 annually. Twenty percent was below the statutory limits set by 2024 H 152. The Board had reduced personnel costs by almost 26 percent or \$17,849 since 2023. Even with these savings DOPL anticipated by the end of fiscal year 2027 the Board would have a deficit. The proposed fee increase represented a 100 percent increase, however, it was short term.

**DISCUSSION:** **Senator Wintrow** clarified that professional licensing boards rely on fees to maintain licensure, review complaints, represent the interests of licensees, and ensure licensees can continue practicing their professions. The boards must meet statutory requirements for maintaining appropriate cash balances and remaining financially stable. She asked about the requirements and best practices for managing cash balances. **Mr. Duffin** stated collected fees fund board staff who review and issue licenses, maintain licensing software, and ensure public access to disciplinary information through a centralized system. The funds also cover the cost of board meetings, which have been reduced from quarterly to two or three times per year to reduce cost. Meeting frequency was determined by need, to avoid unnecessary delays and to protect both the public and licensees. **Senator Wintrow** asked why and how the fees vary between professions. **Mr. Duffin** stated it depended on the number of licensees and the Board's total yearly expenditures. He assured the Committee that DOPL was committed to setting the lowest fee possible for licensees while ensuring the boards remain solvent.

**Senator Zuiderveld** asked for an estimate of the Board's yearly expenditures. **Mr. Duffin** stated the personnel expenditure was \$86,463 in 2025 and offered to follow up regarding the operating expenses. **Senator Zuiderveld** asked if the Board reviewed their expenditures for costs that could be decreased before considering a fee increase. **Mr. Duffin** explained the largest expenditure for licensing boards tended to be personnel costs and the Board had reduced its personnel costs. **Senator Zuiderveld** asked how many full time personnel are employed. **Dr. Nicki Chopski**, Health Professions Bureau Chief, DOPL, stated in the Health Professions Bureau there were 42 employees, which included investigators, the licensing team, executive officers who also serve as program managers, and board support staff. The Bureau required staff to track hours spent on different boards and code time to specific boards.

**MOTION:** **Senator Wintrow** moved to approve **Docket No. 24-0601-2501**. **Senator Blaylock** seconded the motion.

**DISCUSSION:** **Senator Lenney** stated there was a false sense that either fees increase or licensure would end. A better solution might be eliminating some of the boards. There had been consolidation and DOPL could further consolidate boards. He asserted if there was not enough activity for a board to be self-sustaining, it was not needed. **Senator Lenney** added there could be temporary solutions, such as cross-subsidizing of boards and repealing or adjusting the mandates for action when balances are outside the required threshold. He stated there were alternative solutions to raising fees by over 100 percent.

**Senator Wintrow** insisted not approving the docket would be detrimental to the professionals that the Board licenses. She added the Committee could consider a larger structural change at a later date without rejecting the docket.

**Chair VanOrden** explained there was a requirement to obtain board solvency in Idaho Statute. She added that DOPL was following their obligations by law to ensure the Board's financial solvency.

**Vice Chair Bjerke** stated there was upcoming legislation to consolidate boards. He supported DOPL's efforts to find efficiencies and adjust to legislative changes. He added that the Committee should pursue efficiencies incrementally, similar to the approach taken by the DOGE Task Force.

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

**NOTE:** **Vice Chair Bjerke** announced the Committee would return to the consideration of **Docket No. 24-1701-2501** and accept testimony.

**DOCKET NO. 24-1701-2501** **Rules of the State Board of Acupuncture (Fee Rule) - Pending Rule**

**TESTIMONY:** **Margret Blair**, testified in favor of the proposed rule changes and fee increase. She informed the Committee that acupuncturists have been licensed in Idaho since 1999 at which time licensure fees were between \$200 to \$225. She stated the fee increase would not be a hardship for acupuncturists.

**DISCUSSION:** **Senator Blaylock** asked why acupuncturists in Idaho wanted a license when some states do not license acupuncturists. **Ms. Blair** stated all 50 states license acupuncturists. **Senator Blaylock** stated South Dakota does not require licensure. South Dakota considers those who want to practice qualified and acupuncturists were able to get supplies through the FDA. She explained they were not using a medical director for supervision or ordering supplies. **Senator Blaylock** inquired if licenses were needed for insurance purposes. **Ms. Blair** explained licensure was standard for the profession and there was a national organization that administered the licensing exam.

**Senator Blaylock** asked if the exam was the NCCAOM and inquired if passing the exam would be a reasonable replacement for licensure. **Ms. Blair** stated that would suffice.

**Senator Wintrow** asked Ms. Blair how she would feel if the Committee did not approve the rules. **Ms. Blair** stated the Board had to be financially self sufficient. The current licensure fee was relatively low and it would be good to see the Board address the deficit.

**Senator Zuiderveld** asked if the fee increase would be absorbed by the acupuncturists or passed on to patients. **Ms. Blair** stated acupuncturists would easily absorb the cost.

**Senator Shippy** asked how Ms. Blair would feel if the state of Idaho eliminated the licensing requirement for acupuncturists. **Ms. Blair** stated it would be a detriment to the profession. Prior to licensure acupuncturists were practicing medicine with out a license. She explained licensure was a public safety issue and the public should know acupuncturist were trained and certified in Idaho.

**Senator Wintrow** noted licensure ensured professionals were held accountable if a grievance or complaint was submitted. **Ms. Blair** stated she was correct.

**Senator Keyser** asked about acupuncture safety before and after licensure was implemented in 1990. **Ms. Blair** stated she was unsure as there was no accountability and no licensure board to receive complaints. **Senator Keyser** clarified there were no complaints. **Ms. Blair** stated she can only speak for herself and her associates at the time.

**MOTION:** **Senator Blaylock** moved to hold **Docket No. 24-1701-2501**, in Committee to be considered at a later date. **Senator Zuiderveld** seconded the motion.

**DISCUSSION:** **Senator Blaylock** explained the Committee needed a bit more information about the possibility of dissolving acupuncture licensure.

**Senator Lenney** added that in addition to South Dakota, Alabama and Oklahoma did not license acupuncturists. He stated he would not be opposed to holding the Docket in Committee.

**Senator Wintrow** stated she would vote to hold the Docket. She clarified that Ms. Blair said there was no way to determine if the profession was safe because with out licensure there was no where to submit complaints.

**Senator Shippy** clarified in the late 1990s, there was limited communication to the average consumer. Modern communication platforms allowed for instant rating and feedback creating new levels of accountability. Given this improved communication landscape, it was worth reviewing some of these licenses. He stated he would support the motion to hold the docket in committee.

**Senator Zuiderveld** stated in today's society there were ways to rate acupuncturists. She agreed the topic needed more investigation however, going forward she would not be supporting the motion. She explained this may be one area that could return to the free market.

**Senator Wintrow** stated she wanted a legitimate source to verify an acupuncturist was practicing safely. She reiterated that acupuncturists value their license because it gave them legitimacy, helped their business, and made clients feel safer.

**Senator Keyser** stated there was a lot of discussion concerning the relevancy of licensure and explained it would be appropriate to simply address the fee increase in rule and discuss the statute at a later time.

**SUBSTITUTE MOTION:**

**Senator Keyser** moved to reject **Docket No. 24-1701-2501**. **Senator Lenney** seconded the motion.

**DISCUSSION:**

**Chair VanOrden** requested someone from DOPL explain what would happen if these boards do not meet the statutory requirement to be solvent. **Russ Barron**, the Administrator for DOPL, explained there were boards in deficit and boards in surplus. All the money was in one account and allowed the division to pay bills. Before DOPL, the boards were independent agencies and if they had a deficit, they could not pay their bills. Currently DOPL could pay, but at some point DOPL would not be able to pay the boards' bills.

**Mr. Barron** stated this year, DOPL was trying to increase fees for 10 boards and reduce fees for 16 boards. He explained that if DOPL reduced fees and brought the cash balances down, the shared account would become low and cause a problem. He reiterated that it was important each board be solvent.

**Senator Wintrow** asked about the history of DOPL and how DOPL had created more efficiencies. **Mr. Barron** explained in 2020 the reason for the executive order that created DOPL was to create efficiencies and promote better customer service. There were costs associated with achieving the goals outlined in the executive order and each board had to finance a portion of those costs. The two largest costs were the move to a new campus and creating a new licensing system. Each year DOPL had brought legislation to merge boards. A board in a deficit alone was not a reason to merge it; the decision was based on whether the professions align and a merger made sense. Mergers helped reduce meetings and costs, required significant coordination and communication, and were successful so far, with additional boards under review.

**ROLL CALL VOTE:**

**Vice Chair Bjerke** called for a roll call vote on the substitute motion. **Senators Zuiderveld, Lenney, Shippy, and Keyser** voted aye. **Senators Blaylock, Wintrow, Vice Chair Bjerke, and Chair VanOrden** voted nay. The motion failed.

**VOICE VOTE:**

The original motion to hold **Docket No. 24-1701-2501**, in Committee to be considered at a later date carried by **voice vote**.

**NOTE:**

**Vice Chair Bjerke** stated the Committee needed more information before taking action on the remaining dockets. The Committee would consider **Docket No. 24-1301-2501, 24-2301-2501, 24-0901-2501, 24-1901-2501, and 24-4101-2501** at a future meeting

**ADJOURNED:** There being no further business at this time, **Vice Chair Bjerke** adjourned the meeting at 4:48 p.m.

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Senator VanOrden  
Chair

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Madyson Crea  
Secretary