

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 02, 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 3:05 p.m.

MINUTES APPROVAL: **Senator Blaylock** moved to approve the Minutes of January 20, 2026. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

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

DOCKET NO. 24-1301-2501 **Rules Governing the Physical Therapy Licensure Board (Fee Rule) - Pending Rule.**
Orin Duffin, Health Professions Bureau Program Director, Division of Occupational and Professional Licenses (DOPL), explained at the end of FY 2025 the Physical Therapy Licensure Board (Board) had a cash balance of \$23,521, which represented 16 percent of the Board's average five-year rolling expenditures. This balance was below the statutory limits set by 2024 H 152. The Board had reduced costs by limiting board meetings and board member travel. Even with these savings DOPL anticipated by the end of FY 2029 the Board would have a \$50,000 deficit. The proposed fee change was a \$15 increase for physical therapists and a \$10 increase for physical therapy assistants.

DISCUSSION: **Senator Keyser** asked what caused the cash balance to drop to 16 percent and if the decrease was anticipated. **Mr. Duffin** stated the move to a new facility and the transition from paper applications to an online licensing system caused the cash balance to decline. He added the Board reduced personnel cost by about 20 percent.
Senator Zuiderveld asked if there was an increase in applicants compared to five years ago. **Mr. Duffin** answered there had been a 7.16 percent decrease from 2024 to 2025. **Senator Zuiderveld** asked if the fee increase was also accounting for the decrease in applicants. **Mr. Duffin** stated a portion of the increase could be attributed to the decrease in licensees.

TESTIMONY: **Johnathan Gardunia**, President of the Idaho Physical Therapy Association, testified in support of the fee increase. He explained if the alternative was to consolidate with another board the Association's preference would be to increase fees.

DISCUSSION: **Senator Lenney** asked if DOPL had completed a formal cost-benefit analysis. **Mr. Duffin** stated DOPL's finance team had analysts review the finances and assess the impact a fee increase would have on the Board's finances long term.

Vice Chair Bjerke asked if there would be a point when the cost of moving boards under DOPL would lead to benefits. He asked if boards eventually expected to decrease fees. **Mr. Duffin** stated there were already benefits, for example some boards had lowered fees.

Senator Zuiderveld clarified that part of the financial problem was created by moving to a new facility. **Mr. Duffin** stated it was a combination of factors including the move and a new licensing system. **Senator Zuiderveld** asked if DOPL was appropriated any money for the move or the new licensing software. **Russ Barron**, Division Administrator, DOPL, explained no state funds were used. The agency was self-funded by licensure fees.

Senator Keyser stated the DOPL end of year report showed several board's with negative balances. The action plan for each board in the negative was to increase fees. He asked if DOPL was considering any other action plans besides increasing fees. **Mr. Duffin** explained the proposed fee increase was not the first approach to addressing the cash balance. He stated personnel cost had been reduced by \$20,000 since FY 2023. **Mr. Barron** added the end of year report came from the Joint Finance Appropriations Committee (JFAC). The plan to increase fees by 10 to 20 percent, depending on the board's expenditures and revenue, was agreed upon by the auditors and members of JFAC.

MOTION: **Senator Wintrow** moved to approve **Docket No. 24-1301-2501**. **Senator Blaylock** seconded the motion.

DISCUSSION: **Senator Lenney** stated he had not seen enough information to justify the fee increase, therefore he would be voting nay.

Senator Keyser stated there were alternative approaches to solve the underlying problem, therefore he would be voting nay.

Senator Wintrow commented she believed that the fee increases should be approved to allow the Board to balance their budget and continue to protect the public.

Senator Keyser agreed it was important to have safety measures in place. However, the Board's deficit was not due to investigation costs. He asserted the financial mismanagement should be investigated.

Vice Chair Bjerke noted there should be some level of scrutiny when raising fees. He was supportive of the efforts made by the Board to gain financial solvency and because the physical therapists agreed to the increase he would vote in favor of raising fees.

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

DOCKET NO. 24-0601-2501 **Rules for the Licensure of Occupational Therapists (Fee Rule) - Pending Rule.** **Orin Duffin**, Health Professions Bureau Program Director, DOPL, explained at the end of FY 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 Zuiderveld** asked why the Committee was reviewing these rules for a second time. **Chair VanOrder** requested Lauren Smyser review the administrative rule process with the Committee. **Lauren Smyser**, Regulatory and Legislative Affairs Bureau Chief, Division of Financial Management, explained during the last Committee meeting a motion was made to approve the Docket. The motion failed but there was not an outright rejection. Under Idaho Code § 67-5291 rejection of administrative rules required a motion to reject and a finding of facts that explained how the rule was not consistent with legislative intent. She noted because there was a failed motion to approve but no alternative motion to reject the Committee needed to revisit the Docket. **Ms. Smyser** addressed several questions from the Committee regarding the administrative rule process.

Senator Wintrow agreed that in order to reject a rule, the Committee had to make an explicit motion to reject it. She questioned whether the rule would remain unresolved if it were not revisited. **Ms. Smyser** stated she was correct, the Docket would be unresolved.

Chair VanOrden noted the finding of facts was new to the Committee and asked Ms. Smyser when the new process to reject rules was added to Idaho Code. **Ms. Smyser** stated the administrative rule process had evolved and changed significantly in the past few years. The requirement for finding of facts was added in 2023.

Senator Shippy asked if the Committee were to reject a rule without providing a finding of facts would the rule be sustained. **Ms. Smyser** stated a rejection had never been challenged therefore the process was unknown. She advised the Committee to discuss that question with legal counsel. **Senator Shippy** asked what would happen if the Docket had not been brought for reconsideration after the motion to approve failed. **Ms. Smyser** stated that scenario had not happened but the Docket would likely be unresolved.

AT EASE: **Chair VanOrden** requested the Committee go at ease to consult with the Secretary of the Senate.

CALLED TO ORDER: **Vice Chair Bjerke** called the meeting of the Committee back to order at 3:58 p.m.

DISCUSSION: **Senator Lenney** emphasized this was a 100 percent fee increase.

MOTION: **Senator Lenney** moved to reject **Docket No. 24-0601-2501** in its entirety because the proposed fee increase lacked sufficient data, including a cost benefit analysis, to justify the increase. **Senator Zuiderveld** seconded the motion.

SUBSTITUTE MOTION: **Senator Wintrow** moved to approve **Docket No. 24-0601-2501**. The motion failed for lack of a second.

ROLL CALL VOTE: **Senator Lenney** requested a roll call vote on the original motion to reject the Docket in its entirety. **Senators Harris, Zuiderveld, Lenney, Shippy, Blaylock, and Keyser** voted aye. **Senator Wintrow, Vice Chair Bjerke, and Chair VanOrden** voted nay. The motion carried.

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 (BCRE) Licensing and Registration Manager, DOPL, reviewed the following 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** expressed concern that agencies were striking state rule and incorporating federal regulations. This practice decreased state oversight and deferred to federal standards.

MOTION: **Chair VanOrden** moved to approve **Docket No. 24-0501-2501** with the exception of section 400. Fees because the proposed fee increase lacked sufficient data to justify the increase. **Senator Lenney** seconded the motion.

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

DOCKET NO. 24-1701-2501 Rules of the State Board of Acupuncture (Fee Rule) - Pending Rule.
John Price, Occupational Licenses Bureau Chief, DOPL, explained he had already presented the proposed rule changes at a previous meeting and would stand for any questions.

DISCUSSION: **Senator Blaylock** explained she talked to three acupuncturists in South Dakota where state licensure was not required. All three were able to order supplies and were not supervised by an MD. However, all three acupuncturist wished the state offered licensure because it would allow them to bill insurance for their services. Additionally, she asked one acupuncturist what he thought would be a reasonable fee if the State offered licensure. He responded \$500 would be well worth the benefit licensure would provide for his business. **Senator Blaylock** asserted that no one wanted to see a 100 percent fee increase. However, this increase was needed to continue licensing acupuncturists and allow the Board to operate in good financial standing.

MOTION: **Senator Blaylock** moved to approve **Docket No. 24-1701-2501**. **Senator Harris** seconded the motion.

DISCUSSION: **Senator Lenney** stated in three years the Board had not rejected a single applicant and received a total of five complaints, only one of which resulted in a finding of egregious misconduct. He stated that title protection would be a better alternative to licensure. He asserted a 100 to 150 percent fee increase was unreasonable.

SUBSTITUTE MOTION: **Senator Lenney** moved to reject **Docket No. 24-1701-2501** in its entirety because the proposed fee increase of 100 to 150 percent lacked sufficient data to justify the increase. **Senator Keyser** seconded the motion.

DISCUSSION: **Senator Shippy** stated he did not see a problem with the rest of the Docket, only that the fee increase was not justified.

AMENDED SUBSTITUTE MOTION: **Senator Shippy** moved to approve **Docket No. 24-1701-2501** with the exception of section 400. Fees because the proposed fee increase of 100 percent was not justified. The motion failed for lack of a second.

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

VOICE VOTE: The original motion to approve **Docket No. 24-1701-2501** passed by a **voice vote**. **Senators Zuiderveld, Lenney, Shippy,** and **Keyser** requested to be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Vice Chair Bjerke** adjourned the meeting at 4:20 p.m.

Senator VanOrden
Chair

Madysen Crea
Secretary