

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 10, 2016

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Heider, Vice Chairman Nuxoll, Senators Lodge, Hagedorn, Martin, Lee, Harris, Schmidt and Jordan

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 Heider** called the Senate Health and Welfare Committee (Committee) meeting to order at 3:02 p.m.

PASSED THE GAVEL: Chairman Heider passed the gavel to Vice Chairman Nuxoll to conduct the rules review.

DOCKET NO. 16-0715-1501 **Rules of the Department of Health and Welfare Relating to Behavioral Health Programs.** **Jamie Teeter**, Bureau Chief of the Division of Behavioral Health in the Department of Health and Welfare (Department), presented this docket.

Ms. Teeter noted that she was making this presentation to the Committee to provide follow-up testimony regarding a previous presentation about this docket. **Ms. Teeter** stated that this docket establishes a new chapter of rules entitled "behavioral health programs" and the purpose of the new chapter is to move toward an integrated behavioral health system of care that includes both mental health and substance use disorder providers. Two weeks ago, the Committee directed the Department to collaborate further with the Idaho Association of Community Providers (IACP). Today, they are united. **Ms. Teeter** reported that the Department is committed to working with all stakeholders to establish a long-term solution to provider certification. **Ms. Teeter** stated the importance of the docket is threefold: (i) it establishes an integrated behavioral health certification for mental health and substance use disorder providers, (ii) it streamlines an already existing required process for substance use disorder providers to obtain State approval and (iii) it opens a voluntary pathway for mental health providers to obtain State approval.

Vice Chairman Nuxoll asked the Committee members if they had any questions.

Senator Martin asked Ms. Teeter to refresh his memory regarding the proposed fee increase. **Ms. Teeter** responded that the rule established a \$100 fee for each treatment provider/facility. She reminded the Committee that the existing rule also included a \$50 fee for recovery support providers, but noted that, under the pending rules, recovery support providers were not required to pay this fee.

TESTIMONY: **Vice Chairman Nuxoll** invited testimony.

Greg Dickerson, Mental Health Director of Idaho Association of Community Providers, Inc. (IACP), testified in support of this docket. **Mr. Dickerson** stated that he had voiced IACP's opposition to the pending rules during a Committee hearing earlier this session. As a result of an agreement with the Department to address IACP's concerns through negotiated rulemaking, the IACP now supports the pending rules. The Department and IACP will address such issues as cost, time lines, substance abuse service integration and access.

Amy Jeppesen, Substance Use Disorder Director of IACP, testified in support of this docket. **Ms. Jeppesen** stated that the rules will create better access to health care in Idaho. **Senator Schmidt** asked Ms. Jeppesen to explain why she feels the redesign of the pending rules will improve access. **Ms. Jeppesen** responded that the substance abuse and the behavioral health rules provide an easier pathway for providers to be credentialed, thereby reducing administrative work and giving providers more time to spend with patients.

Darren Richman, Owner of Ascent Behavioral Health Services, LLC, testified in support of this docket. **Mr. Richman** stated that he believes the pending rules will streamline the current certification process for providers.

MOTION: There being no more questions, **Senator Martin** moved to approve **Docket No. 16-0715-1501**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0717-1501 **Rules of the Department of Health and Welfare Relating to Alcohol and Substance Use Disorders Services.** **Jamie Teeter**, Bureau Chief of the Division of Behavioral Health in the Department, presented this docket.

Ms. Teeter stated that the pending rules have two main purposes: (i) to provide participant eligibility criteria, application requirements and an appeals process for services administered under the Department's Division of Behavioral Health and (ii) to establish requirements for the quality of substance use disorders treatment, care and services provided by behavioral health and recovery support services programs. Ms. Teeter reviewed the detailed changes made in this docket. **Ms. Teeter** noted that this pending rule meets the directive of the Alcoholism and Intoxication Treatment Act by establishing requirements for the quality of substance use disorders treatment, care and services provided by behavioral health providers.

Ms. Teeter stated that the Department held negotiated rulemaking in June 2015 in three locations across Idaho: Idaho Falls, Boise and Lewiston. In addition to the on-site meetings, the Department arranged for individuals in locations outside of the meeting areas to participate via teleconference. **Ms. Teeter** reported that the feedback from negotiated rulemaking was overwhelmingly positive. She said there is no fiscal impact to the General Fund.

Vice Chairman Nuxoll asked the Committee members if they had any questions.

Senator Schmidt asked if providers, who provide care in a methadone treatment program, are required to enter data into the Idaho prescription monitoring program. **Ms. Teeter** stated that federal regulations do not require entry into that system.

Senator Jordan asked why the section on criminal history and background checks has been deleted. **Ms. Teeter** replied that the section was deleted because it duplicated existing rules related to criminal history background checks.

Regarding eligibility for substance use disorder services, **Vice Chairman Nuxoll** asked Ms. Teeter to explain how the Department would limit or prioritize services by "imposing income limits." **Ms. Teeter** responded because of limited funding, the Department has to set income parameters for people eligible to receive substance use disorder services.

Senator Lee asked why the definition of a child was removed in the pending rules and adolescent was redefined as anyone 18 years of age or younger. **Ms. Teeter** responded that these changes were made based on a recommendation received from the Idaho Department of Juvenile Corrections to address certain gaps in treatment service coverage.

Vice Chairman Nuxoll noted that staff training for adolescent residential treatment services must include cultural, sensitivity and diversity training. She asked Ms. Teeter to clarify what was meant by "cultural sensitivity and diversity." **Ms. Teeter** replied that there's a movement in the behavioral health community to make sure services are provided in a culturally sensitive manner. She stated that treatments may differ across cultures. **Vice Chairman Nuxoll** asked Ms. Teeter to explain how a treatment could be different. **Ms. Teeter** responded that services may vary based upon a person's socio-economic status, race, ethnicity and age.

MOTION: There being no more questions, **Senator Schmidt** moved to approve **Docket No. 16-0717-1501**. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0720-1501 **Rules of the Department of Health and Welfare Relating to Alcohol and Substance Use Disorders Treatment and Recovery Support Services, Facilities and Programs**. **Jamie Teeter**, Bureau Chief of the Division of Behavioral Health in the Department, presented this docket.

MOTION: There being no questions, **Senator Martin** moved to approve **Docket 16-0720-1501**. **Chairman Heider** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Vice Chairman Nuxoll passed the gavel back to Chairman Heider.

ADJOURNED: There being no further business, **Chairman Heider** adjourned the meeting at 3:33 p.m.

Senator Heider
Chair

Karen R. Westbrook
Secretary

Kara Machado
Assistant