

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, March 22, 2022

TIME: 2:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Martin, Vice Chairman Riggs, Senators Heider, Harris, Zito, Stennett, and Wintrow

ABSENT/ EXCUSED: Senators Lee and VanOrden

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 Martin** called the meeting of the Senate Health and Welfare Committee (Committee) at 2:31 p.m.

H 756 **CRISIS STANDARDS OF CARE ACT - Adds to existing law to implement the Crisis Standards of Care Act.** **Senator Todd Lakey** introduced himself to the Committee. He stated this legislation put appropriate oversight in place. **David Ripley**, Idaho Chooses Life introduced himself to the Committee. **Mr. Ripley** discussed the 4 features of the bill:

- Brought the people of Idaho to the table through their elected representatives with a provision in the bill that the committees, specifically Health and Welfare, would have a role in oversight on the standards of care in the future
- Secured basic patient rights even in the midst of a health care rationing crisis
- Created accountability and required specific mitigation measures to help us get out of crisis standards of care at the earliest possible moment
- Created an advocate for patients and families dealing with crisis by guaranteeing visitor rights, living wills, food and water, and informed consent
- Vaccination status could not be used for denying care

TESTIMONY: **Brian Whitlock**, Idaho Hospital Association (IHA) introduced himself to the Committee. He stated hospitals were forced to close as staff got sick and there were no staff to care for patients. In hindsight, some things could have been handled differently. He stated care provider shortages continue today and the system for activation and deactivation performed as expected. **Mr. Whitlock** stated those on the inside do not see a need for this legislation. He added that many suggestions did get into the bill but not all concerns were addressed.

DISCUSSION: **Senator Wintrow** asked about denying people food and water and was that practice in hospitals. **Mr. Whitlock** stated no, we don't deny food and water and that patients were supplied needed nutrition and hydration. **Senator Wintrow** asked if this would change anything they were doing in practice. **Mr. Whitlock** said they may not always be able to accommodate everyone's needs but they had provided appropriate care. Patient rights were important and provider responsibilities were of equal importance. **Senator Wintrow** asked what if a mass casualty event or similar happened. How would hands be tied by this bill. What does this legally imply. **Mr. Whitlock** stated from the legal perspective they would continue as they did. Mass casualty situation directed the Department of Health and Welfare to propagate rules to follow out this legislation. He stated we can't legislate and anticipate every scenario.

MOTION: **Senator Heider** moved to send **H 756** to the floor with a **do pass** recommendation. **Senator Riggs** seconded the motion.

Senator Wintrow stated she struggled with the hospital language. She felt the legislation should be written out competely. **Senator Wintrow** added it felt like hospitals had been beat up when we should have been applauding them. She was disappointed people think hospitals are denying care such as food and water.

VOTE: The motion carried by **voice vote**. **Senator Wintrow** requested to be recorded as voting nay. Senator Lakey to carry on the floor.

H 780 **PSYCHOLOGISTS - Amends existing law to provide for service extenders.** **Representative Marco Erickson** introduced himself to the Committee. He stated this was a rewrite of Senate bill **S 1286**. The new version gives the Board of Psychology examiners the ability to permit their service extenders.

DISCUSSION: **Senator Harris** asked for clarification of the changes from **S 1286**. **Representative Erickson** stated there was a change to the statement of purpose. There was reference to regulate but they felt the bill was not about regulating but more about taking care of the individuals under the license that they held. They removed information they felt was unnecessary and simplified some definitions. **Representative Erickson** stated they added some language that was previously taken out that allowed service extenders to continue. There was a part related to bachelors level individuals and the focus was on the master's and the doctorate level individuals. He stated the bachelor's level people would continue to do the work under the current license as was being done before.

VOTE: **Senator** moved to send **H 780** to the floor with a **do pass** recommendation. **Senator** seconded the motion. The motion carried by **voice vote**. **Senator Zito** requested to be recorded as voting nay.

H 760 **TELEHEALTH ACCESS ACT - Adds to existing law to provide for mental and behavioral health care.** **Representative DeMordaunt** introduced herself to the Committee. She stated under emergency interstate telehealth was available. Make interstate availability going forward for mental and behavioral health. Representative Young stated she would walk the Committee through the document.

- page 1 line 12 excluding physicians
- Subsection 3 outlines requirements for provider licensed in another state to practice in Idaho.
- Not subject to past or pending issues, liability insurance, obtain Idaho credentials
- Subsection 4 clarified standard of care as Idaho would follow
- Subsection 5 no prescription authority
- Address any disciplinary action
- Worked out venue for any action that needs to be taken
- DOPL may adopt rules for fees
- Balance of bill is ensuring continuity in care and access

- DISCUSSION:** **Senator Harris** questioned if page 1 lines 22-25 fell under the Psychology Interstate Compact (PSYPACT) bill. **Representative Young** stated this was similar for some but this covered them when not in a compact state. She relayed that credentialing could take less time than joining the compact. **Senator Wintrow** inquired who would be doing the credentialing. **Representative Young** stated Department of Occupational and Professional Licensing (DOPL). **Senator Wintrow** asked if DOPL had the staff to provide this service. **Representative Young** stated that DOPL sets the fees so they could adjust them to cover costs including staffing if needed. **Senator Wintrow** inquired about how insurance coverage would work. **Senator Young** stated that question would be defined during rule making process. **Senator Harris** asked if DOPL did the credentials then who did the licensing. **Representative Young** stated DOPL would review each persons license in their home state and would issue credentials based on that.
- TESTIMONY:** **Lupe Wissel**, Director, Idaho AARP introduced herself to the Committee. She provided her support for **H 760**. (see Attachment 1)
- DISCUSSION:** **Senator Harris** asked Norm Varin to address credentials and licenses. **Norm Varin**, Pacific Source Health stated they were still trying to figure that out. **Representative Young** stated there were still some questions and there was a way forward to work them out. **Senator Harris** asked about the sunset date. **Representative Young** stated continuity in care as we exit the pandemic and this would give time to work through this. **Senator Stennett** asked how do you make sure everyone is covered by insurance. **Representative Young** relayed that once there were services they could then address the payment piece in rulemaking.
- MOTION:** **Senator Heider** moved to send **H 760** to the floor with a **do pass** recommendation. **Senator Zito** seconded the motion.
- DISCUSSION:** **Senator Heider** stated that licenses are probably identical across state lines. **Senator Wintrow** stated her concerns that some patients would drop through the cracks uninsured depending on what their insurance coverage would provide.
- ROLL CALL VOTE:** **Chairman Martin** called for a roll call vote on the motion. **Chairman Martin**, **Senators Heider, Zito, and Stennett** voted aye. **Vice Chairman Riggs, Senators Harris, and Wintrow** voted nay. The motion carried.
- MINUTES APPROVAL VOTE:** **Chairman Martin** stated that due to time constraints the secretary would buck slip the minutes for approval.
- ADJOURNED:** **Chairman Martin** acknowledged retiring Senators Stennett, Zito, and Heider. He thanked the Committee for all of their hard work this session. There being no further business at this time, **Chairman Martin** adjourned the meeting at 3:27p.m.

Senator Martin
Chair

Lena Amoah
Secretary