

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, January 21, 2020

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Martin, Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

**ABSENT/ EXCUSED:** Vice Chair Souza

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

**RS 27367** Relating to Nurses; New Section. There were no testimonials or questions.

**MOTION:** **Senator Lee** moved to send **RS 27367** to print. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**RS 27293C1** Relating to Amending Sections of Title 37. **Representative Dorothy Moon** presented **RS 27293C1**, which removes hemp from the definition of marijuana, and then removes hemp from Schedule 1, to conform with the Farm Bill of 2018. There were no testimonials or questions.

**MOTION:** **Senator Bayer** moved to send **RS 27293C1** to print. **Senator Jordan** seconded the motion. The motion carried by **voice vote**. **Senator Burtenshaw** asked to be recorded as voting nay.

**RS 27382** Relating to Nursing Home Administrators; Amending, Revising. **Senator Harris** announced that **RS 27382**, pertaining to Nursing Home Administrator licensing, was before the Committee.

**MOTION:** **Senator Heider** moved to send **RS 27382** to print. **Senator Lee** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO. 16-0301-1901** **Department of Health and Welfare, Eligibility for Healthcare Assistance for Families and Children. Camille Schiller**, Program Manager for Medicaid Eligibility, Department of Health and Welfare, explained the docket addresses changes to the Medicaid Program for the families and children's chapter under the Idaho Administrative Procedures Act (IDAPA). The rulemaking is in compliance with the Red Tape Reduction Act.

**Ms. Schiller** told the Committee the first change adds a rule regarding Medicaid eligibility for an inmate during the time inpatient services are needed in a hospital. Services that are covered are only those that are provided during the time the inmate is in the hospital. The second change is in Section 400, where the intention was to create a more organized chapter. They added the criteria used to evaluate eligibility and income limits that apply to adults. In Section 545, the wording was changed for simplicity.

**DISCUSSION:** In response to a question from Senator Lee, **Ms. Schiller** explained the inmates specified included those from both county and state facilities.

**MOTION:** **Senator Nelson** moved to approve **Docket No. 16-0301-1901**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 16-0319-1901**     **Department of Health and Welfare, Rules Governing Certified Family Homes. Steve Millward**, Program Manager for the Certified Family Home Program, Department of Health and Welfare, said the changes add protections to vulnerable adults living in certified family homes. He explained this rulemaking is in compliance with the Red Tape Reduction Act. The entire chapter was rewritten in 2017-2018 with strong stakeholder involvement, equating to a simplified revision. There were no major changes made in this docket. See attachment 1.

**TESTIMONY:**     **Richelle Tierney**, Policy Analyst, Idaho Council on Developmental Disabilities (ICDD), said ICDD is authorized by federal and state law to monitor systems and policies and advocate for improved services that enable Idahoans with disabilities to live meaningful lives. ICDD supports this docket. See attachment 2.

**MOTION:**     **Senator Heider** moved to approve **Docket No. 16-0319-1901**. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 16-0322-1901**     **Department of Health and Welfare, Residential Care or Assisted Living Facilities in Idaho. Tamara Prisock**, Administrator of the Division of Licensing and Certification, Department of Health and Welfare, said this docket is a complete rewrite of the chapter of rules that contain the licensing requirements for residential assisted living facilities in Idaho. They aligned the rules with legislation that was passed in the 2019 session, enabling assisted living facilities to become accredited by a nationally-recognized accreditation agency in place of regular licensure surveys. In compliance with the Red Tape Reduction Act, they clarified the chapter and industry requirements, relaxed some licensure requirements, strengthened resident safety, reduced the total word count, and eliminated 61 restrictive words. See attachment 3.

**DISCUSSION:**     **Chairman Martin** queried if Ms. Prisock wanted the Committee to adopt the docket but exclude Rule 16.03.22.152.03.b.xvi, found on page 1,240. **Ms. Prisock** confirmed this and explained the rule was an error; it's a requirement that they eliminated in negotiations with stakeholders. They intended to remove the reference, but it was overlooked.

**TESTIMONY:**     **Richelle Tierney**, Policy Analyst, Idaho Council on Developmental Disabilities (ICDD), said ICDD supports **Docket No. 16-0322-1901**. See attachment 4. **Senator Jordan** asked if ICDD has any issue rejecting section 152.03,b.xvi. **Ms. Tierney** replied they have no objection.

**Kris Ellis**, Idaho Health Care Association, supported the exclusion of section 152.03.b.xvi from the docket.

**MOTION:**     **Senator Jordan** moved to approve **Docket No. 16-0322-1901** with the exception of section 152.03.b.xvi. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 16-0506-1901**     **Department of Health and Welfare, Criminal History and Background Checks. Fernando Castro**, Program Supervisor of the Criminal History Unit, Department of Health and Welfare, said the docket is in compliance with the Red Tape Reduction Act. He said they sought to make permanent the authority of the Department to complete background checks of the citizen review panel members, formed during the revision of the 2018 Child Protection Act. The intent is to make the rule more user friendly and easier to read. See attachment 5.

**DISCUSSION:**     **Mr. Castro** explained the changes to the rule. He added that they did not hold formal negotiated rulemaking meetings with stakeholders, because the rule change is being made to conform with existing law.

**MOTION:**     **Senator Nelson** moved to approve **Docket No. 16-0506-1901**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 16-0506-1902**      **Department of Health and Welfare, Criminal History and Background Checks.** **Mr. Castro** said the first change was requested by the FBI because state law cannot oppose a requirement on a federal entity. The Department will continue to have access to the authorized FBI criminal archives, with the exception of the FBI sex offender registry and the warrants file. It will continue to check the registries that are available by other means. The thoroughness of their background check will be minimally affected by this limitation. **Mr. Castro** explained the other changes to the rule. See attachment 6.

**MOTION:**      **Senator Jordan** moved to approve **Docket No. 16-0506-1902**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 16-0612-1901**      **Department of Health and Welfare, Rules Governing the Idaho Child Care Program (ICCP).** **Ericka Rupp**, Program Manager of the Idaho Child Care Program, Department of Health and Welfare, said the changes were made in compliance with the Red Tape Reduction Act and focus on two categories: eligibility for families and requirements for providers. She explained the changes and noted that they ensured compliance with federal requirements; therefore, there was no negotiated rulemaking.

**MOTION:**      **Senator Heider** moved to approve **Docket No. 16-0612-1901**. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**      There being no further business at this time, **Chairman Martin** adjourned the meeting at 4:25 p.m.

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Senator Martin  
Chair

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Margo Miller  
Secretary

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Bryce DeLay  
Assistant to the Secretary