

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, February 23, 2021

**TIME:** 9:00 A.M.

**PLACE:** Room EW20

**MEMBERS:** Chairman Wood, Vice Chairman Vander Woude, Representatives Gibbs, Blanksma, Kingsley, Christensen, Lickley, Erickson, Ferch, Mitchell, Chew, Rubel, Davis

**ABSENT/  
EXCUSED:** None

**GUESTS:** Fred Birnbaum, ID Freedom Foundation; Rob Gedelos, Alberstons; Carson Tester, Westerberg & Assoc.; Mike Kane, IAHDB; James Neill, IMA; Lincoln Smyser; Tim Frost, DOPL; Brian Whitlock, IHA; David Lehman, Idaho Voices for Children; Casey Baker and Margie Baker, EFI; Bryon Reed, Eastern Idaho Public Health Board

**Chairman Wood** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Lickley** made a motion to approve the minutes of the February 18, 2021, meeting. **Motion carried by voice vote.**

**Chairman Wood** introduced **Sophie Hall**, the committee page for the second half of the session.

**UNANIMOUS CONSENT REQUEST:** **Chairman Wood** made a unanimous consent request to move **S 1060** to the first item on the agenda. There being no objection, the request was granted.

**S 1060:** **Sen. Steve Vick**, District 2, presented **S 1060**. This legislation makes three changes to the Public Health District (PHD) order process. Any PHD order impacting an entire health district or county must be reviewed and approved by the county commissioners of the applicable county or counties within seven days. The orders are limited to a duration of thirty days. The misdemeanor non-compliance charge is reduced to an infraction. Individual orders, such as septic permits, are not affected by these changes.

Answering questions, **Sen. Vick** said every PHD Board has county commission members. Most county commissioners can meet the same or next day for urgent matters.

**MOTION:** **Rep. Christensen** made a motion to send **S 1060** to the floor with a **DO PASS** recommendation.

**Michael Kane**, Idaho Association of Health District Boards, testified **in support** of **S 1060**. He explained a citation is issued by law enforcement with no arrest. Every board member is either appointed or an elected county official.

**Rep. Blanksma** expressed concern regarding the challenge some counties would face meeting within the seven-day requirement.

**Brian Reed**, Commissioner, Bonneville County, Chairman, Eastern Idaho Health Board, testified **in support** of **S 1060**. The amendments are needed and would have been helpful this past year as they acted to protect hospital capacities during the COVID-19 pandemic and alleviating concerns expressed by citizens.

**Margie Baker**, testified **in support** of **S 1060**. She would like to see additional amendments regarding the powers and duties of PHD Boards and expressed concern when common sense is replaced by rules and regulations.

For the record no one else indicated their desire to testify in person or remotely.

**ROLL CALL VOTE:** **Rep. Christensen** requested a roll call vote on the motion to send **S 1060** to the floor with a **DO PASS** recommendation. **Motion carried by a vote of 13 AYE.** **Voting in favor: Reps. Wood, Vander Woude, Gibbs, Blanksma, Kingsley, Christensen, Lickley, Erickson, Ferch, Mitchell, Chew, Rubel, Davis.** **Rep. Christensen** will sponsor the bill on the floor.

**RS 28648:** **Rep. Jason Monks**, District 22, presented **RS 28648**. This proposed legislation for cities provides a quarantine definition. The additional strike-outs are in alignment with **H 74**.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28648**. **Motion carried by voice vote.**

**RS 28627C1:** **Rep. Marco Erickson**, District 33, presented **RS 28627C1**, proposed legislation to add provisions to the Child Protection Act regarding a prevention custody removal under certain circumstances. When a child with mental health behavioral issues poses a threat to their family, the parents may seek services by leaving the child at a hospital. Rather than get support and help, child protection orders are issued for abandonment. These changes encourage and require problem solving collaboration.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 28627C1**. **Motion carried by voice vote.**

**H 208:** **Rep. Marco Erickson**, District 33, presented **H 208**, an update to the Pharmacy Practice Act which removes the required Federal Drug Agency (FDA) labeling waived during COVID-19. This insures pharmacists can continue to provide access to medications as set forth in their board rules, which focus on best practice.

**MOTION:** **Rep. Chew** made a motion to send **H 208** to the floor with a **DO PASS** recommendation.

For the record, no one indicated their desire to testify in person or remotely.

**VOTE ON MOTION:** **Chairman Wood** called for a vote on the motion to send **H 208** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Erickson** will sponsor the bill on the floor.

**Chairman Wood** turned the gavel over to **Vice Chairman Vander Woude**.

**H 209:** **Rep. Fred Wood**, District 27, presented **H 209**. This legislation creates the Medicaid Budget Stabilization Fund starting with fiscal year (FY) 2021, with no incorporation of FY 2020 monies. It allows transfers of General Fund reversions from the traditional and expanded Medicaid accounts. The enhanced rate Federal Medical Assistance Percentage (FMAP) dollars currently flowing from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) I, II, and III are significant General Fund surplus amounts. Some of the funds will be transferred into the Expanded Medicaid Account through a legislative appropriation supplemental this session. This legislation allows the State Treasurer to invest the idle funds in an interest-bearing account, with interest retention. The funds are to be used only for Medicaid short falls, as approved by the Legislature. There is both an emergency and four-year sunset clause for tweaking or cancelling this stabilization fund.

**David Lehman**, Idaho Voice for Children, testified **in support** of **H 209**. This is good general and budgeting policy. Other budget stabilization accounts exist and work well, as demonstrated by Idaho's excellent surplus positions.

**Fred Birnbaum**, Idaho Freedom Foundation, testified **in opposition** to **H 209**. He stated apprehension regarding the projection of the FMAP funding, which could impact a balanced budget if the mark is missed or federal funding is removed. A return to realistic budgeting is needed along with consideration of the affordability of Medicaid and Medicaid expansion.

**James Neill**, Director, Government Affairs, Idaho Medical Association, testified **in support** of **H 209**, which holds the program's excess dollars for future use. The savings from improvements in hospital Medicaid costs and the change to value-based care provider programs will help the surplus continue after the FMAP increase disappears. This approach holds to Idaho's fiscal principles while staying true to a most vulnerable community.

For the record no one else indicated their desire to testify in person or remotely.

In closing remarks, **Rep. Fred Wood** said Idaho is the most fiscally responsible state in the nation due to past budget stabilization accounts. During the great recession, the additional federal Medicaid funds were used toward education while existing stabilization accounts alleviated the need to raise taxes, contrary to other states. A congressional bill being considered will allow Idaho to recapture 100% of the retroactive costs for Medicaid expansion, bringing back General Fund dollars.

**MOTION:**

**Rep. Lickley** made a motion to send **H 209** to the floor with a **DO PASS** recommendation. Speaking to her motion, she commented this is in keeping with the Director of the Department of Health and Welfare's top priority to reduce the costs of Medicaid and Medicaid expansion.

**ROLL CALL  
VOTE:**

Roll call vote was requested. **Motion carried by a vote of 9 AYE and 4 NAY.** **Voting in favor** of the motion: **Reps. Wood, Vander Woude, Gibbs, Lickley, Erickson, Mitchell, Chew, Rubel, Davis.** **Voting in opposition** to the motion: **Reps. Blanksma, Kingsley, Christensen, Ferch.** **Rep. Wood** will sponsor the bill on the floor.

**Vice Chairman Vander Woude** turned the gavel over to **Chairman Wood**.

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 9:49 a.m.

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Representative Wood  
Chair

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Irene Moore  
Secretary