

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, January 16, 2024

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chair VanOrden, Senators Lee, Harris, Bjerke, Zuiderveld, Wintrow, and Taylor

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 3:02 p.m.

Chair VanOrden rearranged the Agenda order due to connection issues relating to the remote gubernatorial candidate.

GUBERNATORIAL REAPPOINTMENT: **Committee Consideration of the Gubernatorial Reappointment of Chad Henggeler of Fruitland, Idaho, to the State Board of Health and Welfare, term commencing January 1, 2023 and expiring January 1, 2027. Chad Henggeler** stated this would be his 3rd term on the Board in one of the two business community seats. He explained the Board was for oversight where intent of the legislature was determined and how the laws affected the department. **Mr. Henggeler** relayed the Board's other role was to handle appeals brought forward by citizens.

DISCUSSION: **Senator Lee** inquired about his background. **Mr. Henggeler** explained he was in the agriculture business and had experience with employee concerns, rules and regulations, audits, food safety, and organic certification.

GUBERNATORIAL REAPPOINTMENT VOTE: **Committee Consideration of the Gubernatorial Reappointment of John Sigler of Pocatello, Idaho, to the Board of Environmental Quality, term commencing July 1, 2023 and expiring July 1, 2027.**

MOTION: **Senator Harris** moved to send the gubernatorial reappointment of John Sigler to the Board of Environmental Quality to the floor with the recommendation that he be confirmed by the Senate. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0302-2301 **Skilled Nursing Facilities (ZBR Chapter Rewrite) - Proposed Rule.** **Nate Elkins**, Chief, Bureau of Facility Standards, Division of Licensing & Certification, explained the changed rules:

- removed rules that were duplicate of Federal regulations;
- classified those required to have background checks and fingerprint checks;
- outlined enhanced tuberculosis control measures;
- provided for the development, establishment and enforcement of standards for the care of residents, the maintenance and operation of nursing facilities, and promoted safe and adequate care for each resident;
- added guidelines for design and construction of nursing facilities.

In response to Committee questions, **Mr. Elkins** explained state rules that were duplicate of federal regulations were removed because facilities were being cited twice. He stated previously there were only National Fire Protection Agency guidelines for design and construction of new nursing facilities but those did not specify items such as room sizes, locations of rest rooms, bariatric patients, and Americans with Disabilities Act requirements. **Mr. Elkins** relayed background checks were enhanced to include federal child and adult protection registries, and findings from other states. During the rule making process there was concern for nursing staff. The number of staff required was removed as there were federal regulations in place. He stated that each facility would have a full time administrator to ensure daily operations were consistent.

TESTIMONY:

Robert Vande Merwe, Executive Director of Idaho Health Care Association, testified in support of the docket. He discussed the removal of the minimum staffing requirements and explained that the capabilities of staff was more important than the number of staff.

Senator Bjerke inquired whether there was a decrease in state surveys and inspections based on regulations from the Centers for Medicare and Medicaid Services (CMS) or was the state moving more towards a CMS regulatory inspection and survey requirement. **Mr. Vande Merwe** wanted to see more state regulation but did not see that as a possibility due to the number of residents requiring Medicare and Medicaid funding and the government oversight required.

Louis Wessel, State Director, American Association of Retired Persons (AARP) Idaho, relayed AARP was concerned with the removal of staffing numbers and hours from the rule without knowing what standards CMS would set.

Senator Wintrow asked what level of concern there was with the removal. **Ms. Wessel** reiterated there were staffing issues currently and without knowing what standards CMS would set AARP was concerned, but could not offer a 1-10 rating.

MOTION:

Senator Wintrow moved to approve **Docket No. 16-0302-2301**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT:

Committee Consideration of the Gubernatorial Appointment of Clayton Steele of Lewiston, Idaho to the Board of Environmental Quality, term Commencing May 18, 2023 and expiring July 1, 2025. **Clayton Steele** relayed that his first job was working for the Department of Environmental Quality as a field technician and he had worked his way up to regional administrator. He currently worked for Clearwater Paper as the environmental manager across the United States. **Mr. Steele** stated he had a strong background with rule making and policy.

DOCKET NO. 16-0314-2301

Hospitals - Adoption of Temporary Rule. **Nate Elkins**, stated that the Idaho Hospital Association requested rule changes relating to physician re-credentialing intervals to align with Federal Regulation language. He requested these changes be made before the scheduled rewrite for 2025.

MOTION:

Senator Lee moved to approve **Docket No. 16-0314-2301**. **Senator Harris** seconded the motion.

Senator Lee stated that she had a potential conflict of interest pursuant to Senate Rule 39(H), but intended to vote.

Senator Harris stated that he had a potential conflict of interest pursuant to Senate Rule 39(H), but intended to vote.

VOICE VOTE:

The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chair VanOrden** adjourned the meeting at 3:50 p.m.

Senator VanOrden
Chair

Lena Amoah
Secretary