



April 23

2015

Final Legislative Report



Introduction

The Idaho Legislature began the session January 12, 2015 and ended its 2015 Session on April 11, after 90 days.

Below are summaries of legislation that passed or were considered. All administrative rules and legislation within this report have been signed into law unless noted otherwise. This summary includes bills the Council was either supporting or monitoring. The Council supported Sign-Language Interpreter Licensure, Anti-Bullying Legislation, Enhanced Criminal History Background Check, Idaho Caregiver Alliance, and monitored many other proposed pieces of legislation. The Council spent considerable effort educating Joint Health & Welfare Committee members and Joint Legislative Oversight Committee members about issues regarding the Optum Mental Health Care contract.



During our January Legislative Council meeting, our Council Members collectively met with 12 Senators and 23 Representatives

Administrative Rules

16.03.17 The Medicare/Medicaid Coordinated Plan Benefit (Docket 16-0317-1401) implements a voluntary managed care plan for adult participants who are eligible for both Medicaid and Medicare, in accordance with the intent of House Bill 260 (2011), now codified under Section 56-263, Idaho Code. The changes in the proposed rulemaking updated the list of Medicaid-only services benefits to include Aged and Disabled Waiver services, prescribed drugs and home and

community based services, self-directed community supports, and targeted service coordination for persons with developmental disabilities.

16.03.10 Medicaid Enhanced Plan Benefits (Docket 16-0310-1401) Medicaid benefits for dental services that reflect evidence-based practice for adults with disabilities and special health needs were restored, and developmental disability budget modifications for community-supported employment are being allowed.

*Council Supported

Education

H 110 - The Governor's Task Force for Improving Education recommends a shift to a system where students advance based upon content mastery, rather than seat time requirements. This legislation authorizes the State Department of Education to conduct a statewide awareness campaign to promote understanding and interest, to establish a committee of educators to identify roadblocks and possible solutions, and to facilitate the development of an incubator program with an initial cohort of local education agencies.

H 170aaS - Over the past few years the Legislature has approved a number of education-related pilot programs to provide new avenues for students to complete coursework. Most of those pilot programs have included funding from the State General Fund. This bill establishes an approach known as “pay for success” contracting in Idaho. It allows the State to enter into contracts for programs with private entities whereby that entity bears the burden of financing the cost of the program. Only if the contractor meets predetermined benchmarks and criteria and can show that the program has been cost-effective is the State obligated to reimburse program costs with funds it would have spent on similar programs.



Council Member Ian Bott meeting with Representative McCrostie



Governor signing of H 246

H 246 - Provides for inclusion of anti-bullying content in district, teacher and staff training and orientations to help staff recognize and most appropriately intervene should bullying occur. The bill also specifies a role for school superintendents and principals in informing staff and students through student handbooks and other means that bullying is prohibited and conveys what constitutes bullying to further ensure all are aware of school district policy.

*Council Supported

Governor signed

H 296 - Establishes a career ladder funding model for instructional staff that would be variable based on a compensation system consisting of two rungs - the residency compensation rung and the professional compensation rung - movement between which would depend on instructional staff meeting the applicable performance criteria and obtaining a professional endorsement. The bill also establishes a master teacher premium amount for qualified instructional staff employees and allows pupil service staff to qualify for leadership premiums.

S 1071aa - Starting with the 2016-2017 school year, the bill requires all secondary pupils to show they have met the state civics and government standards through the successful completion of the civics test or alternate path established by the local school district or charter school.

S 1012 - Revises the fiscal year 2015 appropriation to provide an additional \$555,000 to the Division of Vocational Rehabilitation for services and support to customers.

This bill provides an ongoing supplemental appropriation to the Division of Vocational Rehabilitation for fiscal year 2015 in the amount of \$555,000 in trustee and benefit payments from the Federal Grant Fund. Of the total amount, \$55,000 will be provided to the State Independent Living Council (SILC) to assist SILC in accomplishing its goals and objectives. The remainder will pay for assessment, training, tools, education, supplies, transportation, medical costs, or other items in order to assist people with disabilities secure, retain, or regain employment.

Criminal Justice

S 1033 – Enhanced Criminal History Background Checks. This proposed legislation would have allowed employers to learn of criminal activity as they occur once a criminal background check had been administered. This is accomplished by keeping the fingerprints in the Idaho State Police and FBI records. That way, if an individual develops a criminal record after a criminal background check, that record will be automatically matched to his or her fingerprints resulting in an FBI report to the Idaho State Police, and the Idaho State Police’s report to the individual’s employer.

Bill Passed the Senate failed in the House

*Council Supported

S 1053 - Amends existing law to revise provisions relating to the rights and powers of guardians ad litem. In a conservatorship/guardianship proceeding, the Court appoints a Guardian ad Litem, an attorney, to guard the rights of the person who is the subject of the proceeding. The duties and powers of the Guardian ad Litem are set forth in parallel sections in the Guardianship and Conservatorship portions of the Probate Code. Recently, some Guardian ad Litem have improperly tried to use the list of rights and powers to act as if they were the actual Guardian and/or Conservator. This bill makes it clear that the powers and rights in the sections that outline “Guardianship and Conservatorship are only to be used to carry out the duties of the Guardian ad Litem.

Elections

H 212 – In previous elections, the election board judge could require a declaration of disability to be made by the elector under oath. This legislation eliminated this requirement.

S 1066 - Establishes a presidential primary using the election date on the second Tuesday in March. All other candidates for state or federal office are unaffected and will continue to use the May primary election date. The presidential primary is available for any political party that chooses to participate.



Tracy Warren, staff, Representative Nye, Council Members, Shiloh Blackburn, Ian Bott, and Laurie Lowe, staff

General Government

H 324 - Increases the civil penalties for violations of the state Open Meeting Law. There have been no revisions to these civil penalties since the law was enacted in

1974. Additionally the bill removes labor negotiations from those matters that may be dealt with in executive session, but provides that deliberations on labor contract offers may be held in executive session. Establishes provisions relating to negotiations in open session, provides that an executive session may be held for certain specific purposes, provides that certain documents exchanged between parties shall be subject to public writings disclosure laws, and provides for notice and to provide that public testimony shall be posted as an agenda item.

HCR 23 - Authorizes the Legislative Council to appoint a committee to complete a study of the state's purchasing laws and to report to the 2016 Legislature proposed legislation to strengthen and improve those laws.

Health and Human Services



Senator Guthrie and Shiloh Blackburn,
Council Chair

H 152a – Sign language interpreters can profoundly affect the lives of people of the state of Idaho, this Act creates a licensing system and sets qualification standards for those who engage in the practice of sign language interpreting. At least 13% of the general population (203,785 Idaho citizens) has a variety of hearing loss. Of that number, 2.42% (34,486 Idaho citizens) experience severe to profound hearing loss and rely on a

visual mode of communication. This puts them at a distinct disadvantage with possible communication of incomplete, incorrect, and unethically delivered information, often by non-qualified interpreters. Ensuring deaf and hearing consumers receive appropriate interpreting services may reduce general threats to the health and safety of this statewide population. Professional interpreter licensing minimizes the liability of hiring entities providing services to deaf consumers. It also ensures equal access to education, the criminal justice system, and health care for deaf children and adults. In a tie vote in the Senate of 17-17, Lieutenant Governor Brad Little cast the deciding vote to pass HB152a that creates a licensing system and sets qualification standards for those who engage in the practice of sign language interpreting. **Governor vetoed**

***Council Supported**

H 189 - Establishes the Idaho Telehealth Access Act, which enables health care professionals to provide services to remote patients.

H 218 - Establishes the Healthcare Policy Initiatives Program and provides appropriation to the newly created program within the Department of Health and Welfare. This program will oversee the State Healthcare Innovation Plan (SHIP). SHIP will transform Idaho's healthcare system by changing the standard of practice, delivering primary care through the patient-centered medical home (PCMH), integrating primary care with the broader medical neighborhood of hospitals and ancillary providers, and shifting payment incentives from volume to paying for improved health outcomes.

H 264 - Provides funding and legislative intent for the creation of a second Behavioral Health Community Crisis Center to be located in Northern Idaho. The bill also restores funding to Allumbaugh House, which is a medical diversion facility located in Boise. This facility is designed to treat Idahoans with mental health and substance abuse disorders. Crisis centers are designed to provide patients up to 24 hours of care and are an alternative to incarceration and hospitalization for people undergoing mental health crisis. Communities are asked to come up with local funding to help support the centers, along with the state money. The Idaho Falls



Council Member, Dave Dekker
and Representative Bell

community received funding for the state's first crisis center last year. It opened on December 4th.

H 298 - Provides that certain services for adolescents shall be reimbursed at a certain percentage of the current Medicare rate. This bill will add 15 beds in the Treasure Valley to serve adolescents suffering from serious mental health issues, including Suicide. The additional beds will be located in a freestanding mental health facility and Medicaid will reimburse the facility at a significantly lesser amount than is paid to the hospitals that house the adolescents when less expensive beds are not available.

S 1104aaH - Authorizes the establishment of a new Veterans home in northern Idaho. When a site is selected, the state will provide 35% of the funding required for construction and operation of the new home. Federal moneys will provide for the balance of funding.

S 1144 - In addition to more traditional award applicants, this bill includes \$500,000 for the creation and initial management of four Community Recovery Centers. These recovery centers will be community based and will serve Idahoan's with mental health and substance abuse related issues.

S 1146aa - Provides for the legal possession or use of cannabidiol (CBD) oil when used for treatment of a certain form of epilepsy.

[Bill Passed the Senate and House. Vetoed by Governor.](#)

SCR 104 - Suicide Prevention. This concurrent resolution highlights the importance and extensive problem of suicide in Idaho. It authorizes the Health Quality Planning Commission to review the resources currently available and prepare a plan for suicide prevention in Idaho to be presented to the Legislature.



Council Members Denise Wetzel and Joe Raiden with Representative Paulette Jordan

SCR111 - This concurrent resolution proposed creating a task force to study issues relating to family caregivers. Family caregivers are an essential part of Idaho's healthcare system, providing uncompensated support and care for family members or loved ones of all ages who need assistance caring for themselves. This resolution calls for the Idaho Caregiver Alliance, a state-wide consortium led by the Idaho Commission on Aging and the Boise State University Center for the Study of Aging, to convene a broad group of stakeholders to identify policies, resources and programs available for family caregivers and encourage

additional innovative and creative means of support for this essential resource. This action recognizes the importance of family caregivers and the unique opportunity to integrate this component of our healthcare system into the State Healthcare Innovation Plan (SHIP).

[This concurrent resolution died in committee](#)

[*Council Supported](#)

Taxation

H 311 - This proposal would have removed sales tax from groceries, increase transportation funding, and reduce the individual income tax rates. To increase transportation funding, the proposal will raise the motor fuel tax (gasoline and diesel) by seven cents per gallon. The seven-cent increase is distributed 60% to the state highway account and 40% to the highway distribution account. Also, \$5 million will be distributed one time from the state refund account, with \$3 million going to the state highway account and \$2 million going to the highway distribution account. Had this bill passed there would have been a 70.5 million dollar loss in revenue. [This bill passed the House and died in the Senate.](#)

Transportation

H 71- Representative Paul Shepherd introduced a bill to create the "Friends of the Orofino Maniacs" license plate in the House Transportation Committee. The proposed legislation received a print hearing. The "Maniac" is the mascot of the district's junior-senior high school. Orofino is also home to State Hospital North, which provides psychiatric treatment to adults and children with mental illness. [This bill never received a hearing.](#)

Medicaid Mental Health Managed Care-Optum Contract

The Consortium for Idahoans with Disabilities worked exceptionally well to collaborate on this issue. The Council worked with Idaho Parents Unlimited to meet with each member of the House and Senate Health and Welfare committees to discuss concerns about the Optum mental health contract. These meetings took place before the Optum team provided the House and Senate Health and Welfare Committees an update on January 28, 2015.



Council Member Rebekah Casey meeting with Representative Beyerler

Health and Welfare Joint Committees held public testimony and heard from over 22 people about their concerns with the Optum contract.

The Council worked with Senator Heider to facilitate a meeting between Optum, Inc., the Department of Health & Welfare, and the following members of the Consortium for Idahoans with Disabilities: Kathie Garrett (NAMI), Jim Baugh (Disability Rights Idaho, Greg Dickerson (Mental Health Service Provider), Jennifer Zielinski (Idaho Parents Unlimited, and Christine Pisani (DD Council). The meeting was held February 12 to present Optum and the Department a set of written questions created by Consortium members. Consortium members requested a written response to the questions. A written response to all questions was received from Optum, but responses presented were Optum philosophy vs. the requested detail being sought. Members of the Consortium are discussing next steps.

The Council and Idaho Parents Unlimited met with Joint Legislative Oversight committee members to encourage their support of Representative Rusche's proposed Office of Performance Evaluation study of the Optum contract.

On February 24 the Joint Legislative Oversight Committee met to decide which of the 8 proposed studies would be funded. Each member of the Joint Legislative Oversight Committee voted to support an Office of Performance of Evaluation study of the OPTUM Mental Health Contract.

Medicaid Expansion, Close the Gap, Healthy Idaho Plan...

Medicaid expansion did not receive a hearing this session, despite the tremendous work done throughout the past year of the Close the Gap Coalition. The Speaker of the House informed the Coalition early-on that there would be no hearing until he felt confident there were enough votes to get it passed. The Coalition has already begun meeting to plan for efforts throughout the year in preparation for the 2016 session.

The Collaborative Workgroup on Adult Developmental Disability Services Redesign



The Collaborative Work Group (CWG) on Adult DD Services reported to both the House and Senate Health and Welfare Committees. Christine Pisani, Executive Director of the Idaho Council on Developmental Disabilities, reported on the accomplishments of the Collaborative Work Group in 2014

and outlined several projects planned in 2015. The report which includes the collective work of over 17 statewide organizations who have been meeting since 2011 may be found at:

<http://icdd.idaho.gov/projects/Adult%20Services/ASR.html#report>

Thank you to the Legislative Services Office for the information provided in their 2015 Key Action Summary as a partial source for this report.