



2016

Final Legislative Report



Introduction

The Idaho Legislature began the session January 11, 2016 and ended on March 25, 2016. All administrative rules and legislation within this report have been signed into law unless noted otherwise. This summary includes rules and bills the Council either supported, opposed, or monitored.

Administrative Rules

16-0310-1501 Medicaid Enhanced Plan Benefits **Council Supported**



Jack Hansen, Disability Leader meeting with Senator Fred Martin, District 15

These rule changes align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho's Home and Community Based Services (HCBS) offered through the

State Plan, and under the authority of the HCBS 1915(c) waiver and the 1915(i) State Plan Option. The purpose of the regulations is to enhance participants' opportunity to receive services in the most integrated settings appropriate, and to increase their opportunities for choice and access to the benefits of community living. New rules pertaining to Home and Community Based Services were added to this chapter to ensure that participants receiving Home and Community Based Services live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes.

The Council provided written and verbal testimony in support of the HCBS Rules in the House and Senate Health and Welfare committees. The implementation of this rule supports:

- Enhanced quality in Home and Community Based Services
- Improved quality assurance features for individuals receiving services and, supports through Medicaid's HCBS programs
- Full access of individuals to the benefits of community living
- Individuals receiving services in the most integrated setting

Agricultural Affairs

House Bill 524 Torturing Pets

This legislation amends Idaho Code to define companion animals and to define torture to an animal. The legislation also provides a new Section 25-3504A which provides that any person convicted of torture to a companion animal is guilty of a felony on the first offense if that person has been convicted of voluntary infliction of bodily injury upon any human within the previous ten years. Any other person convicted of torture to a companion animal is guilty of a felony on the second or following convictions. The legislation provides that a court shall order a pre-sentence investigation that shall include a psychological evaluation.

House Bill 525 Dangerous Dog Act

This legislation provides statewide minimum standards and definitions. No dog may be declared as dangerous or an at-risk dog if the dog causes injury or damage, when there is cause for justified provocation. Justified provocation includes that the dog was a service animal individually trained to do work or perform tasks for a person with a disability.

Appropriations

House Bill 566 Suicide Prevention and Awareness Program

This legislation designates funding to support a newly created Suicide Prevention and Awareness Program within the Division of Public Health Services at the Department of Health & Welfare.

House Bill 579 Two New Crisis Centers Funded in Boise and Twin Falls

This bill provides funding for the Adult Mental Health Program to establish two additional community crisis centers, one to be located in Boise and one in Twin Falls. This legislation also funds improvements to the Children's Mental Health Program with a CANS assessment tool and additional respite care; realigns the funding streams for court ordered participants; and provides bridge funding for the Residential Assisted Living Facilities that provide support for Idahoans with serious mental health issues. The legislation also states that the Idaho Falls crisis center is to share its two-year funding plan with the Legislature on how it will acquire funding from non-state sources.

Senate Bill 1391 Personal Needs Allowance Increase

This legislation provides \$1.5 million to increase the personal needs allowance which will help Medicaid participants in the enhanced and coordinated plan pay living essentials such as rent, utilities, food, and personal expenses. This increase will help to insure participants in the Home and Community Based waiver may remain in their homes. The personal needs allowance had not been reviewed in over 10 years.

Education

Senate Bill 1247 Civics Tests not required for Special Education Students

Any student who receives special education services shall not be required to successfully complete the civics test or alternate path unless required to do so as specified in such student's individualized education plan (IEP). Any IEP that requires successful completion of the civics test or alternate path shall allow for necessary testing accommodations, which shall be provided at no cost to the parent or parents of the student.



Rep. Jeff Thompson, District 30, with
Dennis Miller, Parent Advocate

House Bill 618 Teacher Raises

For a second year in a row lawmakers devoted \$41.5 million to increasing teacher pay.

House Bill 619 Public School Operational Funding

This legislation provided \$27.3 million to increase per-classroom spending levels from their current rate of \$23,868.

State Affairs

Senate Bill 1297 Electronic Voter Registration

This legislation authorizes the Secretary of State to develop and implement an on-line voter registration application. In order to register on-line, a person would be required to have an Idaho driver's license or ID card. A digital copy of the signature from the State driver's license would be provided by the Department of Transportation and become a part of the voter registration data-base.

Judiciary and Rules

House Bill 1328a Child Protective Act

This legislation attempts to address the over medication of children in foster care. The bill requires that when a child is in foster care that they report to the court if the child is receiving psychotropic medications and the dosage.

Senate Bill 1375 Delegation of Guardianship Powers [Council Opposed](#)



Council Member James Steed with Rep. Julie VanOrden, District 31

This legislation proposed amending existing law to clarify the duration and revocation of a power of attorney from a parent or guardian, and to authorize a parent or guardian to delegate certain powers over a minor or person with a developmental disability upon the occurrence of certain conditions. This legislation was presented in the Senate Judiciary and Rules Committee and the Council provided written testimony in opposition to this

legislation citing that the proposed legislation bypasses a criminal history background check, the Department of Health and Welfare's court ordered guardianship evaluation team, and disregards the high vulnerability people with disabilities have with regard to victimization, abuse, and financial exploitation. Additionally, if the guardian is unable to fulfill their duties, a co-guardian should be awarded for temporary cases, or the consideration of the termination of a guardianship if the circumstances involve mental decompensation or substance abuse. *The legislation was held in the Senate Judiciary and Rules Committee.*

Health and Human Services

Medicaid Mental Health Managed Care Contract – Optum Idaho

[Council Supported](#)

During the 2015 Legislative session, The Joint Legislative Oversight Committee (JLOC) directed the Office of Performance Evaluation (OPE) to conduct a performance evaluation of the Idaho Behavioral Health Plan and the Optum contract. The Office of Performance Evaluation presented this report to the Joint Legislative Oversight Committee, the Joint Finance and Appropriations Committee, and the House and Senate Health and Welfare Committees.

Recommendations in the report include that the Department of Health & Welfare continue taking steps to build capacity and services in the community; that it formally evaluate the merit of including inpatient services in the behavioral health plan, which were specifically excluded in the initial design to focus on outpatient services; and that the department turn to “independent third-party expertise” to examine the details of a contract of this magnitude and detail, which appeared to be expertise lacking within the Department of Health and Welfare.

Overall, the findings of the study did not appear to motivate the majority of legislators. They did not require the Department of Health and Welfare to consider needed improvements to the new contract, specifically data collection around health care outcomes and quality of life indicators of people accessing mental health services. The contract was intended to be re-negotiated in March 2016.

The report prompted Representative Rusche, District 6 to draft House Concurrent Resolution 54. This resolution required the Department of Health & Welfare to report to the House and Senate germane committees on the status of the mental health and behavioral health transformational plan activities, including measures of the effectiveness of behavioral health system here in Idaho. This measure was supported unanimously in both the House Health and Welfare Committee and on the Floor of the House. *HCR54 failed once it was presented to the Senate Health and Welfare Committee.*



Erin Rosenkoetter, Parent Advocate with Kaleb McCloughan, Disability Leader, and Senator Maryanne Jordan, District 17

Senate Bill 1268 Idaho DD Council Membership Statute **Council Sponsored**

The Council presented written and verbal testimony in support of S1268, Idaho Council on Developmental Disabilities Membership Statute. The legislation resolved a Council membership issue in state law that prevented adults with developmental disabilities and families from applying for

membership to the Council if they were working for a disability agency receiving Medicaid funding for their services. The passage of the legislation

now allows for parents of children with developmental disabilities and adults with developmental disabilities working in the field of developmental disabilities to apply for membership on the Council and aligns with our federal law.

Senate Bill 1326 Department of Health & Welfare Includes Suicide Prevention Services

The purpose of this Bill is to clarify that Health and Welfare's Mission includes services for the prevention of suicide.

Senate Bill 1341a Citations of Violations in Assisted Living Facilities

This legislation assures all Residential Assisted Living Facilities are cited for violations that are specified in an applicable law or rule. The bill will help with challenges associated with interpretation of regulations.

Idaho Caregiver Alliance Presentation

The Idaho Caregiver Alliance presented findings from the Caregiver Task Force to the House and Senate Health and Welfare Committees. The Task Force was created in response to House Concurrent Resolution 24 passed during the 2015 session.



Nancy Ovalle, Parent Advocate with Senator Grant Burgoyne, District 16 and Griselda Comacho, DD Council Community Connector

Medicaid Redesign or Close the Gap [Council Supported](#)

Five bills were printed on behalf of health care coverage for the 78,000 Idahoans who are currently without health care coverage. The Council provided consistent public outreach to Council members and Facebook fans to communicate the status of the “close the gap” efforts throughout the legislative session. The Council provided written testimony in support of SB 1205, Healthy Idaho Plan at the Senate Health and Welfare Hearing February 2, 2016.

Primary Care Access Program

Representative Fred Wood’s (R-Burley) bill to fund the Governor’s Primary Care Access Program was defeated. The bill intended to fund the program from the Millennium Fund, which comes from a nationwide tobacco

settlement. *The House State Affairs Committee refused to introduce this legislation.*

Senate Bill 1204 Medicaid Expansion

This bill directs the Department of Health and Welfare to change their definition of Medicaid eligibility to include all individuals whose income is below 138% of the Federal Poverty level. The purpose of this legislation is to provide access to medical care for approximately 78,000 Idahoans, most of whom are employed in full time work but earn too little to obtain

health insurance on Your Health Idaho, the state based health insurance exchange. This is expected to have a positive impact on the health and productivity of our citizens by increasing access to health care. It will unburden our economy by reducing bankruptcies due to uncovered medical expenses. It will reduce recidivism since many released prisoners currently have no access to medical care. Finally, it will reduce government by eliminating the need for county indigent programs and the State Catastrophic Health Cost Payment program. *This bill never reached a vote.*



The Legislature
failed **78,000**
Idahoans this
year.

Senate Bill 1205 Healthy Idaho Plan

This legislation would make people earning less than 100% of the Federal Poverty Level (FPL) eligible for Managed Medicaid enrollment. Idahoans earning between 100% - 138% of FPL would be enrolled in the state exchange and their premium supported by state and federal funds. There would be many broad social and economic impacts to providing health insurance and removing the threat of medical bankruptcies from the working poor in Idaho. *This bill never reached a vote.*

House Bill 644 and House Concurrent Resolution 63

The House Health & Welfare Committee passed two bills HB 644 and HCR 63, and sent them directly to the House floor without accepting public testimony. HB 644 creates a one-time \$5.4 million grant to community health centers and \$400,000 to study the gap population. House Concurrent Resolution 63 created an interim committee to study and make recommendations for the “gap population.” Neither of these bills close the coverage gap. *The Senate Health & Welfare Committee voted unanimously to kill HCR 63 and sent House Bill 644 to 14th Order for amendments.*

Senators stated it would delay any coverage for the gap population until 2018.

Senator Marv Hagedorn (R-Meridian) proposed amendments to House Bill 644 that would add language to seek a waiver to expand Idaho's Medicaid program to provide a managed-care option to serve those in the coverage gap. *The Senate voted 27-8 in favor of House Bill 644 as amended. The amended bill then went back to the House for possible agreement on the Senate amendments. The House voted 55-12 to not agree with the Senate amendments to HB 644, the health coverage bill.*

2016 Legislative Report of the Collaborative Workgroup on Adult DD Service Redesign



CWG Members: Jim Baugh, DRI, Art Evans, DHW, Christine Pisani DD Council, Richelle Tierney, CDHD, Senator Lee Heider, and Bill Benkula, President Idaho Service Providers Association

The Collaborative Work Group (CWG) on Adult DD Services reported to the House and Senate Health and Welfare Committees. Christine Pisani, Executive Director of the Idaho Council on Developmental Disabilities, reported the 2015 accomplishments of the Collaborative Work Group.

Highlights of presentation to the House and Senate Health and Welfare Committees included:

- Informing legislators of the need to enroll as a National Core Indicator state to collect needed data from adults with developmental disabilities
- Recognition that the programs in place to support adults with developmental disabilities require adequate and sustained funding
- Since 2011 the utilization of the adult developmental disability program has grown 35%
- 75% of all adults with developmental disabilities accessing the DD Waiver experience a co-occurring mental health diagnosis
- Employment for adults with developmental disabilities is a priority
- A need for improved person centered planning

The report which includes the collective work of over 17 statewide organizations who have been working together since 2011 may be found at:

<http://icdd.idaho.gov/>

Senate Bill 1341a Citations of Violations

Amends existing law to provide that residential care or assisted living facilities may be cited only for violations of a requirement that is specified in applicable law or rule.

House Bill 518 Adding Dementia to the Mental Health Act [Council Opposed](#)

The purpose of this legislation is to add dementia to the definition of mentally ill for the purposes of commitment, to delete obsolete language relating to the "aged," and clarify that if someone is a danger to themselves or others they can be held. *This legislation was held in committee.*

Transportation

House Bill 413aa Maniac License Plate Bill [Council Opposed](#)

Representative Paul Shepherd, District 7, sponsored legislation for a second year that would allow for a state sanctioned license plate featuring the mascot of the Orofino High School and the words "Friends of the Orofino Maniac." 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.



Camille Ashcraft, Parent Advocate with Rep. Kelly Packer, District 28

Funds from the sale of Maniac license plates would be utilized to enhance the interest of the local schools in Orofino. The legislation was presented in the House Transportation and Defense Committee. The Council provided written and verbal testimony in opposition to the legislation citing the stigma around mental health the state sanctioned license plate would perpetuate. The committee sent the legislation to General Orders where it was amended to remove the image of the mascot. The amended legislation was sent to the Senate Transportation Committee. *The Senate Transportation Committee chose to hold the legislation in Committee.*