



Final Legislative Report

April 12, 2011

The 2011 Legislature adjourned Sine Die on April 7, 2011

To view the the full text of bills go to the Idaho Legislature website at:
<http://www.legislature.idaho.gov/legislation/2011/legIndex.htm>

Rules

Docket No.16-0305-1001 - Eligibility for Aid to the Aged, Blind, and Disabled (AABD) - This rule reduces general fund expenditures. Idaho will only pay AABD cash to participants that are also receiving Federal Supplemental Security Income or (SSI) payments. Also, individuals receiving assistance through the Developmental Disabilities waiver and living in a Certified Family Home (CFH) or Residential Assisted Living Facility (RALF) will no longer receive a cash payment. These changes are projected to reduce the Department of Health and Welfare general fund expenditures by approximately \$1.3 million over the first 12 month period and will provide necessary savings with the projected growth over the next few years. None of the changes will result in a loss of federal matching monies because this benefit is paid with 100% state general funds.

Status: Adopted

Council Position: Monitored

Docket No. 16-0309-1002 - Non-Emergency Medicaid Transportation Services - The Department of Health and Welfare implemented a selective contract for a statewide transportation brokerage which controls costs and maintains access to non-emergency medical transport services for all Medicaid participants.

Status: Adopted

Council Position: Monitored

Docket No. 16-0309-1004 - Hospital Medicaid Reimbursement - This is a temporary rule, authorized by H0656 and H0701 in the 2010 session that allows changes in hospital reimbursement mechanisms to generate a \$25 million savings in state general funds.

Status: Adopted

Council Position: Monitored

Docket No. 16-0309-1005 - Reductions in Basic Medicaid Plan Benefits (Temporary Rule). These changes, made in order to achieve cost savings

under the provisions of H0701 passed in 2010, include: Specific changes include:

1. Limit contact lens benefits to circumstances where vision correction cannot be achieved by eyeglasses.
 2. Require prior authorization for more expensive light weight lenses and conditions for payment of contact lens fitting fees;
 3. Restructure the reimbursement of primary care case management;
 4. Reduces benefits for evaluation and diagnostic services from an annual combined limitation of 12 hours to 4 hours per calendar year. This combined limitation includes speech and hearing evaluations, physical therapy evaluations, occupational therapy evaluations and diagnostic services. Psychological/Neuropsychological evaluations are separately limited to 4 hours for each eligible participant per calendar year.
 4. Reduce mental health treatment plan benefits;
 5. Eliminate collateral contact for mental health services, developmental disabilities services, and school-based services.
- These rule changes are in effect through June 30, 2011.

Status: Adopted

Council Position: Monitored

Docket No. 16-0310-0902 - Reduction in Medicaid DD Benefits – This reflects the Governor’s 2009 holdback and were extended into 2010 by legislative action. This rule continues the reduction in the amount of developmental therapy benefits from 30 hours/week to 22 hours/week.

Status: Adopted

Council Position: **Opposed**

Docket No. 16-0310-1002 – Redesign of Medicaid Services for Children with Developmental Disabilities - These rules replace developmental therapy and Intensive Behavioral Intervention with services in 3 different options based on a child’s needs. The options are:

1. Children’s HCBS State Plan for children birth-17 with a developmental disability; includes respite, habilitative supports (no skills training) and family education
2. Children’s DD Waiver for children with a developmental disability who meet institutional level of care. Services include those available in the state plan plus habilitative intervention (similar to IBI), crisis intervention, family training (different from family education), therapeutic consultation, and interdisciplinary training
3. Act Early Waiver for children with developmental disabilities aged 3-6 with autism and/or challenging behaviors which is very intensive and

time-limited; it requires active parental participation for at least 20% of the time the children is receiving services

Families can choose to direct their child's services in the first two options. Children are assigned a budget level associated with one of the three options. Except for the Act Early Waiver, these budget amounts are less than the equivalent for services children currently receive. These rules go into effect July 1, 2011.

Status: Adopted by both House and Senate with the elimination of 1 section which had required habilitative supports to be delivered only in community settings (See HCR 012)

Council Position: **Opposed**

16-0310-1003 - Medicaid Reimbursement for ICFs/ID and Nursing Homes - This rule clarifies requesting a special rate add-on, payments prior to receipt of request, nursing home special rate requests, efficient incentive payments removal, and requires an 85% cost survey compliance rate for all Personal Care Service (PCS) Agency providers. The savings for this rule would amount to \$6.4M in total Medicaid funds.

Status: Adopted

Council Position: Monitored

Docket No. 16-0310-1006 - Reduction in DD and Mental Health

Medicaid Benefits - These rules either eliminate or change specific benefits or services provided by Medicaid as authorized temporarily under H0701 passed by the 2010 Legislature. Among the changes are:

- Elimination of collateral contact and supportive counseling
- Reduction in annual assessment benefits from 12 hours to 4
- Reduction in plan development benefits from 12 hours a year to 6
- Require participants needing skill development to select from either developmental therapy or PSR; within the MH program, individuals must choose between PSR and Partial Care (PC)
- Eliminate service coordination for people using personal assistance services (PAS)
- Reduction of PSR and PC benefits
- Elimination of home health skilled nursing for people on the A&D waiver

Status: Adopted

Council Position: **Opposed**

Docket No. 16-0310-1007 – Medicaid Dental Benefits - The Department of Health and Welfare implemented a selective contract for dental services for Medicaid Enhanced Plan participants. This rule limits costs to the current dental program through 2013, except inflation adjustments required

by statute, and allows the contractor (Blue Cross/DentaQuest) to limit plan providers, with no discrimination. The contract provider must maintain a network to ensure treatment access to Medicaid participants within reasonable distances and time frames. The contractor must also provide both written notice to any excluded providers and assistance to find a dentist, including out of network, if necessary.

Status: Adopted

Council Position: Monitored

Docket No. 16-0310-1101 Medicaid Benefit Reimbursement

Methodologies - These rules reflect reimbursement methodologies that have been recently approved by the Centers for Medicare and Medicaid through the Medical Assistance State Plan amendment process for mental health clinics, developmental disability agencies, and rehabilitative mental health services.

Status: Adopted

Council Position: Monitored

Docket No. 16-0313-1002 - Consumer Directed Medicaid Services –

These rules modify the Consumer Directed Services Rules for adults with developmental disabilities to incorporate/add Family-Directed Services (FDS) for families of children with developmental disabilities. For FDS, some differences are:

- Support brokers for children must attend the initial training
- A parent or legal guardian cannot be a paid community support worker or a paid support broker

Status: Adopted

Council Position: Monitored

Docket No. 16-0319-1001- Certified Family Homes

This rule requires that a certified family home provider cannot be the guardian of a certified family home resident unless the resident is 1) a son or daughter; 2) a parent; 3) a sibling; or 4) a grandparent. These rules also updated safety and sanitation requirements for certified family homes.

Status: Adopted

Council Position: **Supported**

Docket No. 16-0324-1001 - Medically Indigent Program Requests for Eligibility Determination - This rule states that the Department of Health and Welfare has the responsibility to develop and implement rules for a Medicaid eligibility determination process for applicants applying for financial assistance through the County Medically Indigent Program and Catastrophic Health Care Cost Program. This new chapter of rules

provides the requirements necessary for a hospital or county to submit applications and requests to the Department of Health and Welfare to determine Medicaid eligibility for an applicant who may be medically indigent.

Status: Adopted

Council Position: Monitored

Docket No's. 16-0411-1001 and 16-0321-1001 - Developmental Disabilities Agencies

These two sets of rules repealed and rewrote the Rules Relating to Developmental Disabilities Agencies. In **Docket No. 16-0411-1001** the chapter was repealed and rewritten under **Docket No. 16-0321-1001**. The latter docket replaces the existing licensing and certification requirements for Developmental Disabilities Agencies (DDAs). This rule clarifies the assessment requirements for DD services and changes the review from annual to every two years. The rule also removes supportive counseling and collateral contact services.

Status: Adopted

Council Position: Monitored

Docket No. 16-0411-1101 Rules Relating to Developmental Disability Agencies - The Department of Health & Welfare (DHW) made several changes with this docket to meet Medicaid's appropriations budget for Fiscal Year 2011. The changes include clarification of assessment requirements for individuals receiving developmental disability services, and the removal of supportive counseling and collateral contact services. These rules are temporary until June 30, 2011 under House Bill 701.

Status: Adopted

Council Position: Monitored

Docket No. 16-0506-1001- Criminal History and Background Checks

The Department's Criminal History Unit screens applicants who apply for positions working with vulnerable children and adults. These rules help to make it more clear the difference between the Department's program rules and the Department's criminal history and background check (CHC) rules. The CHC rules were changed to reference only those Department rules that require an individual to have a criminal history and background check. The 5-year disqualifying crimes list was also changed to include additional crimes to better protect children and vulnerable adults.

Status: Adopted

Council Position: Monitored

Docket No. 16-0601-1001 - Child and Family Services - Often times when children come into foster care as a result of being abused or neglected, relatives come forward and request to be licensed as foster parents so they can take care of the children. However, many relatives cannot afford to care for their extended family member without a foster care payment to offset the cost of that care. In 2008, Congress passed legislation which allowed states to begin using federal funds to offer relatives a guardianship assistance payment. The guardian assistance payment allows children to leave the foster care system and stay with families. These rules allow Idaho to implement this option. The guardianship assistance cash payment will not exceed the published foster care rate the child would receive if living in family foster care in Idaho.

Status: Adopted

Council Position: Monitored

Docket No. 16-0737-1001- Children's Mental Health Services -This rule allows the Department of Health & Welfare (DHW) to limit and prioritize Children's Mental Health Services, including eligibility. Children's mental health services will be considered in the following priority: crisis, court ordered, and voluntary. This is necessary due to the reductions in appropriations. These changes give DHW the ability to focus the available resources on those who have the greatest clinical and financial needs. If DHW is ordered by the court to provide and pay for services, they will use a sliding fee scale to determine the parent's responsibility for reimbursement.

Status: Adopted

Council Position: Monitored

***Unless otherwise noted,
all laws go into effect on July 1, 2011***

House Bills & Resolutions

H029 – Taxation – This legislation eliminates certain exemptions from the Sales Tax, and reduces the Sales Tax rate from 6% to 5%. The following ten exemptions are eliminated: broadcast equipment, commercial aircraft, railroad rolling stock and remanufacturing, drivers education automobiles, trade in value, ski lifts and snow grooming equipment, heating materials, utility sales, precious metal bullion, and telecommunications equipment. Exemptions on production/agricultural equipment & goods and medical services remain. The sales tax is added to 9 new categories of services: professional, personal, business, construction, transportation, repairs, lottery and pari-mutual betting, media

measurement, and miscellaneous. It is also extended to motor vehicle purchases by related parties, sales through vending machines, and sales by outfitters and guides.

Sponsors: Rep. Shirley Ringo (D-6) and Tom Trail (R-6)

Status: Currently in House Revenue and Taxation Committee

Council Position: **Support in concept**

H049 – Assisted Living Facility Administrators – This bill amends the qualifications residential care assisted living administrators for a license to require a combination of education and documented experience in a residential care facility.

Sponsor: Tana Cory, Bureau of Occupational Licenses

Status: Passed in House 70-0 on 2/23; passed in Senate 35-0-0 pm 3/8; signed by Governor on 3/17; LAW

Council Position: Monitoring

H088 – Catastrophic Health Care Fund – This legislation amends the audit requirements for the Catastrophic Health Care Cost Program. It requires an annual audit by a certified public accountant designated by the governing board.

Sponsor: Rep. Darrell Bolz (R-10)

Status: Passed in House 64-0-6 on 3/10; passed in Senate 35-0-0 on 3/29; signed by Governor on 4/5; LAW

Council Position: Monitoring

H0102 – Income Tax – Amends existing law to update references to the Internal Revenue Code and to revise how the adjusted basis of depreciable property, depreciation and capital gains and losses shall be computed as a result of two 2010 Congressional enactments.

Sponsor: Rep. Dennis Lake (R-28)

Status: Passed the House 65-0-5 on 2/4; passed Senate 35-0-0 on 2/9; signed by Governor on 2/11; LAW effective 1/1/2010

Council Position: Monitoring

H0105 – Bureau of Educational Services for the Deaf and the Blind - Amends existing law to provide that the Idaho Bureau of Educational Services for the Deaf and the Blind is an employer for Public Employee Retirement System purposes.

Sponsor: Rep. Wendy Jacquet (D-25) & Rep. Donna Pence (D-25)

Status: Passed House 70-0-0 on 2/15; passed in Senate 35-0-0 on 3/4; signed by Governor on 3/8; LAW

Council Position: Monitoring

H0123 – Education – The purpose of this bill is to change the funding mechanism for kindergarten so that attendance is not required, thus allowing school districts more flexibility in how to use state funds.

Sponsor: Rep. Steven Thayne (R-11)

Status: Held in House Education

Council Position: Monitoring

H0128 - Catastrophic Health Care Cost Program - This bill modifies the Catastrophic Health Care Program to change coverage from "necessary medical services" to "emergency medical services." Existing exclusions for services such as bone marrow and organ transplants, experimental and weight loss treatments are continued. Health care insurance and contractual rate adjustments are specifically included as available resources for determination of indigence (inability to pay). Changes also clarify that the Board of County Commissioners has utilization management review authority. Flexibility is provided to the County Commissioners to provide, at county cost, primary and preventative health care for the purpose of minimizing future medical expenses.

Sponsor: Rep. Lynn Luker (R-15)

Status: Held in House Commerce and Human Resources

Council Position: Monitoring

H0129 – Day Care - This bill amends the daycare licensing law as follows: Clarifies that the child count thresholds for licensing do not include related children; changes staff to child ratio requirements to a point system, removes maximums on group size, and exempts ratio requirements for children of providers; amends school busing law to use updated references for daycare centers, group daycare homes and child care homes; provides for a provisional licenses; adds felony domestic violence, felony controlled substances violations, and grand theft as disqualifying offenses for 5 years; adds a tiered fee schedule for daycare centers with 13 or more children, increases the maximum licensing fee for some providers depending upon number of children cared for; clarifies the background check requirements for persons providing child care for 4 to 6 children; amended in Senate to change the fees to \$325 for centers caring for more than 25 children, \$250 for centers caring for 13-25 children, and retaining the \$100 fee for "group daycare facilities". The use of funds from the ICCP to pay for certification of facilities when those costs are not covered by fees was struck. Child:staff ratios were also changed.

Sponsor: Rep. Lynn Luker (R-15) & Rep. Janice McGeachin (R-32)

Status: Passed in House 56-13-1 on 3/3; passed Senate with amendments 35-0-0; House concurred with amendments 59-8-3 on 4/7; signed by Governor on 4/11; LAW

Council Position: Monitoring

H0140 – Juvenile Corrections Act – This bill establishes procedures for determining competency to stand trial, and for determinations of whether competency can be restored for children (juveniles). The processes are similar to those in place for adults but differ in some important ways. Children with DD are to be evaluated by the same H&W evaluation committees who do guardianships, and they don't have to hold children in inpatient facilities as they do adults. There is a need for this bill since the courts are now forced to use the statutes applied to adults.

Sponsor: Patti Tobias with the courts

Status: Passed House 68-1-1 on 2/23; passed as amended in Senate 35-0-0 on 3/24; House concurred with amendments 60-7-3 on 3/30; signed by Governor on 4/5; LAW.

Council Position: Monitoring

H0164 – Community Care Advisory Council – This legislation reduces the number of members on the Medicaid Community Care Advisory Council (CCAC) from 22 to 20 and allow the membership of the CCAC to be determined by its by-laws. It also allows for alternative meeting formats, such as conference calls and video conferencing. The DD Council and DRI currently serve on this council and will continue to do so.

Sponsor: Dept. of Health and Welfare/CCAC

Status: Passed House 61-2-7 on 2/25; passed in Senate 35-0-0 on 3/16; signed by Governor on 3/22; LAW

Council Position: Monitoring

H0169 – Public Contracting with Organizations Providing Employment Services to Persons With Disabilities – This bill amends the law to give nonprofit organizations serving persons with disabilities the opportunity to bid for public contracts for services or to provide goods which have been produced by these entities. The bill also would require the DD Council to “solicit and maintain listings of Idaho nonprofit organizations representing persons with disabilities that are qualified to provide services and personal property” as a centralized location for the public to locate these vendors.

Sponsor: Rep. Elaine Smith (D-30), with co-sponsors, Rep. Roy Lacey (D-30), Sen. Edgar Malepeai (D-30) and Sen. Diane Bilyeu (D-29)

Status: In House Business Committee; pulled by sponsor

Council Position: **Oppose**; providing a listing of segregated employment providers is not a responsibility of the Council and is in conflict with the Council's position on segregated work

H0187 - Freedom Of Conscience - Health Care Professionals - Amends existing law to require a physician who may have a conscience objection regarding treatment of a patient to comply with their living will or physician's order for scope of treatment (POST) before withdrawing care and treatment to a patient.

Sponsor: Rep. Julie Ellsworth (R-18)

Status: Passed in House 51-17-2 on 3/7; passed in Senate 21-13-1 on 3/29; signed by Governor on 4/6; LAW

Council Position: Monitoring

H0197 – Tax Levies for Schools - This legislation would require the four school districts with the highest levels of property wealth per classroom in Idaho (Blaine County, McCall-Donnelly, Swan Valley and Avery) to get voter approval to continue additional funding raised through the Budget Stabilization levies as all other school districts do, through the supplemental level election process.

Sponsor: Rep. Dennis Lake (R-28)

Status: Passed in House 53-14-3 on 3/7; held in Senate Local Government

Council Position: Monitoring

H0201 – School District Employees – This legislation requires school district employment applicants to allow the hiring school district to have access to all previous job performance or job-related conduct issues and prohibits school districts from hiring anyone who conceals this information. This legislation makes it easier for Idaho to reject certification for teachers and school administrators who have negative conditions attached to their certificates, or who are under investigation for ethical violations against their state's professional code of conduct, until all conditions and investigations are cleared.

Sponsor: Rep. Bob Nonini (R-5) & Rep. JoAn Wood (R-35)

Status: Passed in House 56-14-0 on 3/17; passed Senate 21-13-1 on 4/4; signed by Governor on 4/8; LAW

Council Position: Monitoring

H0207 – Idaho Building Code – This legislation allows for exemptions from building code requirements for certain remodeling or expansion purposes..

Sponsor: Rep. Lynn Luker (R-15)

Status: Passed in House, as amended to add language that insures compliance with accessibility requirements in building codes. 53-14-3

on 3/21; passed Senate 30-4-1 on 3/31; signed by Governor on 4/6;
LAW
Council Position: Monitoring

H0212– County Indigency – This legislation increases by \$1,000 the deductible for a county’s responsibility per claim, from \$11,000 to \$12,000, for services provided by Idaho’s Catastrophic Healthcare Cost Program. These services include medically necessary drugs, devices and services received by medically indigent county residents at the proposed reimbursement rate for any twelve month consecutive period.

Sponsor: Janice McGeachin (R-32)

Status: Referred from House Commerce and Human Resources to House Health and Welfare Committee

Council Position: Monitoring

H0216 – Medically Indigent - This legislation modifies and restricts the financial assistance provided through the Catastrophic Health Care Fund administered by the counties.

Sponsor: Association of Counties, Tony Poinelli

Status: Held in House State Affairs Committee

Council Position: Monitoring

H0221– Medicaid – This legislation makes substantial cuts in Medicaid services to people with disabilities including removing all developmental therapy for adults with DD on state plan only; requiring individuals on the DD waiver to transfer to the A&D waiver and retire from developmental therapy at age 45; requires psychiatrist approval prior to any PSR services; reduces PSR for adults to 4 hours/week; eliminates preventative adult dental services; removes audiology services for adults; puts into statute all the reductions in services listed in H0701 from the 2010 session; implements budget “tiers “ for adults on the DD waiver similar to children’s redesigned services; continues self-assessments for nursing homes and hospitals and implements these for ICFs/ID; and proposes changes to move the Medicaid program toward a managed care model. The cuts made by this bill are estimated to be over \$39 million in state funds plus matching federal funds.

Sponsor: Rep. Janice McGeachin (R-32)

Status: Held in House Health and Welfare Committee; replaced with H0260

Council Position: **Opposed**

H0255– Public Benefits - This legislation would require proof of identification by anyone seeking to receive food stamps.

Sponsor: Rep. Mike Moyle (R-14)
Status: Held in House Ways and Means
Council Position: Monitoring

H0260– Medicaid – This legislation replaces H0221. Changes made include the elimination of the language requiring adults with developmental disabilities on the DD waiver to transition to the A&D waiver and “retire” at age 45; elimination of the language that prohibits individuals with DD on state plan services from receiving developmental therapy; elimination of the requirement for psychiatrist approval for PSR and substituting language “to direct the Department to develop an effective management tool for PSR”. All of the other cuts that were part of H0701 last year are still in this bill as is the language requiring budget “tiers” for adults on the DD waiver. These cuts will be further developed through rule making. With the adjustments made to this bill, the cuts still total over \$35 million in General Funds, based on DHW estimates.

Sponsor: Rep. Janice McGeachin (R-32)
Status: Passed in House 56-14-0 on 3/17; passed in Senate 27-8-0 on 3/28; signed by Governor on 4/5; Sections 22 and 23 effective 7/1/2012; All other sections effective 7/1/2011; Section 24 sunsets on 7/1/2012
Council Position: **Monitoring with concerns**

H0261- Food Stamp Distribution - This legislation requires that the Department of Health and Welfare distribute food stamps over a period of not less than five days per month, helping to alleviate the crowding of stores that results from distribution on one day/month.

Sponsor: Rep. Ken Roberts (R-8)
Status: Referred from House Health and Welfare to House Commerce and Human Resources
Council Position: Monitoring

H0262– Public Assistance - This legislation gives DHW additional authority to verify the existence, through documents such as birth certificates or through collateral contact, the number of children being claimed on a food stamp application.

Sponsor: Rep. Christy Perry (R-13)
Status: Passed in House 68-0-2 on 3/22; passed Senate 29-6-0 on 4/1; signed by Governor on 4/8; LAW
Council Position: Monitoring

H0263– Public Benefits - This legislation would require proof of identification by anyone seeking to receive food stamps.

Sponsor: Rep. Mike Moyle (R-14)
Status: Referred from House Health and Welfare to House
Commerce and Human Resources
Council Position: Monitoring

H0295– Food Stamps - This legislation would require the Department of Health and Welfare to distribute food stamps over a period of not less than 10 consecutive days/month at the beginning of each month to alleviate the crowding at grocery stores when they are distributed all on one day.

Sponsor: Rep. Mike Moyle (R-14)
Status: Referred from House Health and Welfare to House
Commerce and Human Resources
Council Position: Monitoring

H0298– Health Care Law - This legislation stop Idaho's participation in the Patient Protection and Affordable Care Act (federal health care).

Sponsor: Sen. Monty Pearce (R-9)
Status: Passed in House 50-17-3 on 3/30; passed Senate 24-11-0
on 4/5; signed by Governor on 4/7
Council Position: Monitoring

H0300– Legal Aid - This legislation establishes the Access to Justice Fund to assist Idaho Legal Aid in providing free legal representation for indigent persons in civil matters; it adds a \$10 fee on persons who file certain civil cases in Idaho courts to create this fund. Part of the rationale for this bill is the Congressional reduction of funding for the Legal Services Corp. (which funds Legal Aid) by 18%.

Sponsor: Rep. Clifford Bayer (R-21)
Status: Passed in House as amended 38-21-0 on 4/4; held in Senate
Judiciary
Council Position: Monitoring

H0310– Catastrophic Health Care Fund - This legislation clarifies when a person would be considered indigent for the purposes of accessing these funds and also clarifies operations of and costs to the fund.

Sponsor: Toni Poinelli, Association of Counties
Status: Passed in House 67-0-3 on 3/30; passed with amendments
in Senate 34-0-1 on 4/5; House concurred with amendments 67-0-3
on 4/7; signed by Governor on 4/11; LAW
Council Position: Monitoring

H0315– Education - This legislation repeals Section 6 of SB1108 regarding severance stipends for teachers and amends Section 12 of the same bill regarding educational support program for SFY 2012.

Sponsor: Rep. Ken Roberts (R-8)

Status: Passed in House 42-26-2 on 4/5; passed Senate 33-2-0 on 4/7; sent to Governor on 4/8

Council Position: Monitoring

H0330– SILC - This legislation sets the appropriation for the State Independent Living Council at \$748,000 for SFY2012.

Sponsor: JFAC

Status: Passed in House 66-1-3 on 3/31; passed Senate 35-0-0 on 4/5; signed by Governor on 4/11; LAW

Council Position: Monitoring

H0335 – Education – This legislation amends several sections of SB 1108 relating to teacher compensation and contracts; also contains an emergency clause that implements the legislation as soon as it is enacted instead of July 1, 2011. This effectively prevents the opponents of 1108 from having time to gather signatures to hold a referendum vote on the reform bills.

Sponsor: Sen. John Goedde (R-4), Sen. Dean Mortimer (R-32), Rep. Mack Shirley (R34), Rep. Bob Nonini (R-5)

Status: Rules suspended and passed House 58-10-2 on 4/5; passed Senate 21-14-0 on 4/7; signed by Governor on 4/11; LAW effective 4/11/11

Council Position: Monitoring

H0336 – Education – This legislation amends Section 1 of SB 1110 relating to pay for performance, hard to fill positions, and leadership awards; also contains an emergency clause that implements the legislation as soon as it is enacted instead of July 1, 2011. This effectively prevents the opponents of 1108 from having time to gather signatures to hold a referendum vote on the reform bills.

Sponsor: Sen. John Goedde (R-4), Sen. Dean Mortimer (R-32), Rep. Mack Shirley (R34), Rep. Bob Nonini (R-5)

Status: Rules suspended and passed the House 47-22-1 on 4/5; passed Senate 19-16-0 on 4/7; signed by Governor on 4/8; LAW effective 4/11/11

Council Position: Monitoring

H0341 – Appropriations for Department of Health and Welfare – This is an omnibus appropriation bill for the Department that adds \$314.6 million

for SFY2011; reduces the appropriation by \$35.859 million for the same year and transfers \$573,000 from the Idaho Millennium Fund to the Idaho Millennium Income Fund, also for 2011. For SFY 2012, the Department is appropriated \$2,235,689,500 in state and federal funds and limits employees to 2,852.97. This bill also includes the SFY2012 appropriation for the DD Council in the amount of \$629,500 (\$97,200 in state funds, \$10,000 in PCP grant funds, \$15,000 in dedicated funds, and \$507,300 in federal funds). The bill also contains several sections of intent language, including sections dealing with the Medicaid changes enacted in HB260. In these sections is language requiring the Department to provide monthly forecast reports regarding Medicaid, file quarterly reports on the collections of the Medicaid Integrity section, and to report quarterly to the legislature on the implementation of the various provisions of HB260. The Department is also directed to complete an actuarial analysis for Medicaid managed care and submit a report no later than 12/1/2011.

Sponsor: JFAC

Status: Passed the House 49-20-1 on 4/4; passed Senate 22-11-2 on 4/6; signed by Governor on 4/11; Sections 1,2, and 3 (2011 supplementals) are effective 4/11/11; all other sections (2012 appropriations) are effective 7/1/2011

Council Position: Monitoring

H0344 – School District Fiscal Matters - This legislation removes the requirement for FY 2012 that school districts allocate a certain amount of funding for school building maintenance. It also allows school districts to request that their local voters convert existing plant facility levies into supplemental levies in any year in which the state reduces K-12 funding.

Sponsor: Rep. Bob Nonini (R-5)

Status: Passed the House 68-1-1 on 4/6; passed Senate 35-0-0 on 4/7; signed by Governor on 4/11; Sections 2, 3, and 4 are effective 4/11/11; all other sections are effective 7/1/2011

Council Position: Monitoring

H0345 – Education – This bill amends SB 1184 – the third bill in the Superintendent Luna’s education plan. This legislation changes the relief from instructional staff funding that was included in 1184 (expansion from 6% in FY12, to 8% in FY12 to 10% in FY14 and beyond) to 7%, 9.5% and 11% respectively. It also includes an emergency clause that makes the bill go into effect upon its signing by the Governor.

Sponsor: Rep. Bob Nonini (R-5)

Status: Passed House 50-18-2 on 4/5; passed Senate 19-16-0 on 4/7; signed by Governor 4/11/11; effective 4/11/11

Council Position: Monitoring

H0351 – Primary Elections – This bill requires voters to register with a political party to vote in that party’s primary election. Unaffiliated voters must declare their affiliation to a party at the time of voting initially but in following years may change their affiliation; this declaration of change or affiliation but must be made 60 days prior to the primary election day.

Sponsor: Rep. Bob Nonini (R-5)

Status: Passed House 51-16-3 on 4/6; rules suspended and passed Senate 28-7-0 on 4/6; sent to Governor on 4/8

Council Position: Monitoring

HCR9 – Privatization of Idaho State School and Hospital – This resolution requests the Department of Health and Welfare and the Department of Administration to work with stakeholders to develop a request for proposals to privatize the operation of Idaho State School and Hospital and to sell off or use the property “in a way to benefit the state of Idaho.” A report back to the 2012 Legislature is required.

Sponsor: Rep. Carlos Bilbao (R-11)

Status: Currently on 3rd Reading in House

Council Position: **Monitoring with concerns;** the Council’s position has been to encourage transition of residents of ISSH into the community and close ISSH as an ICF while recognizing that there is a need for short-term crisis capacity in southwest Idaho for individuals with mental illness and dual diagnosis; privatization may impede closure

HCR12 – Rejection of Part of Children’s Redesign Rules – This resolution rejects Section 663.02 of Rule Docket 16.0310.1002; the effect of rejecting this section of the rule is to allow Habilitative Supports to be provided in settings other than the community (center, home, etc.). The remainder of this rule docket is approved.

Sponsor: Rep. Steven Thayne (R-11)

Status: Adopted by House 67-0-3 on 2/24; adopted by voice vote in Senate on 3/4; to Secretary of State on 3/10

Council Position: Monitoring

HCR13 – Rejection of Portion of Rules regarding Nursing Home rates – This resolution rejects Sections 270.03 and 270.07 of Rule Docket 16.0310.1003; the effect of rejecting requirements for reporting and calculating special rate and future rate setting periods for nursing homes. The remainder of this rule docket is approved.

Sponsor: Rep. James Guthrie (R-29)

Status: Adopted by House 67-0-3 on 2/24; adopted by voice vote in Senate on 3/4; to Secretary of State on 3/10
Council Position: Monitoring

HCR25 – Grocery Tax Credit – This resolution requests that the Governor issue an Executive Order to direct the Tax Commission to delay changes to the grocery tax credit for tax year 2011.

Sponsor: Rep. Cliff Bayer (R-21)

Status: Adopted by House 55-10-5 on 3/18; adopted in Senate 29-5-1 on 3/25; to Secretary of State on 3/31

Council Position: Monitoring

HCR27 – Study Committee on VR and Commission for Blind – This resolution calls for the establishment of a task force to study the potential program impact and cost savings of combining the Commission for the Blind and Visually Impaired and the Division of Vocational Rehabilitation. The DD Council is named as a participant on the task force. A report would be provided to the 2012 legislature.

Sponsor: Rep. Wendy Jacquet (D-25)

Status: Held in House Commerce and Human Resources

Council Position: Monitoring

Senate Bills & Resolutions

S1022 – Archaic Disability Language – this bill corrects terminology in SB 1310 passed last year by the legislature which included the words “mentally retarded”. These words were removed in Idaho Code last year with the passage of SB1330.

Sponsor: Sen. Les Bock (D-16)

Status: Passed in Senate 34-0-1 on 3/1; passed in House 70-0-0 on 3/23; signed by Governor on 3/30; LAW

Council Position: **Support**

S1032 – Foster Care – this legislation extends foster care status to children between the ages of 18 and 20.

Sponsor: Sen. Les Bock (D-16)

Status: Held in Senate Health and Welfare

Council Position: Monitoring

S1044a – Probate Code – This bill amends the law to allow Personal Representatives or Conservators of “protected persons” control over that

person's access to social media communication (email, Facebook, Twitter, etc.)

Sponsor: Bob Aldridge/ Sen. Patti Anne Lodge (R-13)

Status: Passed Senate with amendments 34-0-1 on 2/18; passed in House 64-0-6 on 3/4; signed by Governor on 3/16; LAW

Council Position: Monitoring

S1046 - Trusts – This bill makes technical corrections to the law regarding trustees as prudent “investors” and clarifying conservators, instead of guardians, as the appropriate term in matters of financial affairs.

Sponsor: Bob Aldridge

Status: Held in Senate Judiciary

Council Position: Monitoring

S1056 – Interstate Transfers of Guardianships – This legislation provides clear procedures to resolve interstate jurisdiction controversies regarding guardianships. It also addresses emergency situations and other special cases and facilitates transfers of existing guardianships or conservatorships between states in a streamlined way. It also allows temporary recognition of guardianships or conservatorships when the adult is in a different State for a limited period of time.

Sponsor: Bob Aldridge

Status: Passed Senate 33-0-2 on 2/10; passed House 69-0-1 on 2/23; Governor signed on 3/3; LAW

Council Position: Monitoring

S1068 – Students Come First – Part 1 – This part of Idaho's Students Come First legislation relates to labor relations and employee entitlements. Components of this bill include:

- Phasing out tenure for all current and future teachers who have not yet earned it, to be replaced by one- or two-year contracts
- Setting parameters regarding collective bargaining for teachers
- Eliminating the 99% average daily attendance protection feature of the state funding formula and replacing it with a 10% severance fee to be paid to any professional staff whose positions must be eliminated due to lost enrollment.
- Eliminating the Early Retirement Incentive Program.

Sponsors: Superintendent Tom Luna, Gov. Butch Otter, Speaker Lawrence Denney (R-9), Sen. John Goedde (R-4), President ProTem Brent Hill (R-31)

Status: Held in Senate Education (replaced by S1108)

Council Position: Monitoring

S1069 – Students Come First – Part 2 – This part of Idaho’s Students Come First legislation relates to public school modernization and reform. Components of this bill include:

- Laptop computer for every high school student
- Increased transparency in budgeting and labor agreements at the district level
- Increase in class size
- Dual high school and college credit for eligible students
- Requirement of 6 credits of on-line courses for graduation.
- Minimum teacher salary of \$30,000
- Pay for performance for teacher groups

Sponsors: Superintendent Tom Luna, Gov. Butch Otter, Speaker Lawrence Denney (R-9), Sen. John Goedde (R-4), President ProTem Brent Hill (R-31)

Status: Held in Senate Education (replaced by S1109 which was replaced by S1113)

Council Position: Monitoring

S1070 – Assisted Suicide – Makes it a felony, punishable by 5 years in prison, to assist someone who seeks to commit suicide.

Sponsor: Sen. Russ Fulcher (R-21)

Status: Passed as amended in Senate 31-2-2 on 3/11; passed in House 61-8-1 on 3/28; signed by Governor on 4/5; LAW

Council Position: Monitoring

S1072 – Bike Helmets – The bill requires a child of 12 years of age or younger, who rides a bicycle on any public roadway, to wear a bicycle helmet.

Sponsor: Sen. Diane Bilyeu (D-29)

Status: Held in Senate Transportation

Council Position: Monitoring

S1076– Commission on Aging – The bill adds language to the enabling legislation for the Commission on Aging to define information and assistance services, information and referral, case management services, and Aging and Disability Resource Centers; these changes reflect a shift in focus to consumer direction and alignment with initiatives of the Centers on Medicare and Medicaid.

Sponsor: Idaho Commission on Aging/ Sen. Lee Heider (R-24)

Status: Passed in Senate 28-3-4 on 3/3; passed in House 61-9-0 on 3/23; signed by Governor on 3/29; LAW

Council Position: Monitoring

S1080– Early Childhood Coordinating Council – This legislation updates existing code with regard to the Early Childhood Coordinating Council. The Council is funded by federal dollars. These updates make language authorizing the EC3 consistent with current terminology, federal requirements and the Executive Order signed by Governor Otter. The DD Council is a member of the EC3

Sponsor: Sen. Tim Corder (R-22) & Rep. Phylis King (D-18)

Status: Passed in Senate as amended 27-8-0 on 3/7; failed in House 15-52-3 on 3/30

Council Position: **Support**

S1081– Idaho State School and Hospital – This legislation clarifies and strengthens criteria by which people can be admitted to ISSH and provides a discharge process that includes due process for those disagreeing with the decision to transition to the community. This legislation is part of a 3-phase plan to transition residents to the community.

Sponsor: Department of Health and Welfare/Sue Broetje, ISSH Administrator

Status: Passed in Senate 32-1-2 on 2/28; passed House 63-4-3 on 3/14; signed by Governor on 3/22; LAW

Council Position: **Support**

S1082– Idaho State School and Hospital – This legislation changes the title of ISSH to the Southwest Idaho Treatment Center. This more accurately reflects the institution's purpose and would be appropriate as the facility changes its role.

Sponsor: Department of Health and Welfare/Sue Broetje, ISSH Administrator

Status: Passed in Senate 33-0-2 on 2/28; passed House 67-1-2 on 3/14; signed by Governor on 3/22; LAW

Council Position: **Support**

S1104– Behavioral Health – This legislation creates the Office of Behavioral Health Transformation as recommended by the Governor's Behavioral Health Transformation Work Group in their final report delivered last fall. The bill creates the Behavioral Health Interagency Cooperative and repeals the Interagency Committee on Substance Abuse Prevention and Treatment that was due to sunset on July 1, 2011. It assigns similar duties to the newly created Cooperative. The legislation also replaces the "Office of Drug Policy," with the Office of Behavioral Health Transformation and creates the administrator position of that office. All of these actions are included in the recommendations of the Governor's Behavioral Health

Transformation Work Group that was established by Executive Orders 2009-04 and 2010-01.

Sponsor: Sen. Joe Stegner (R-7)

Status: Held in Senate Health and Welfare

Council Position: Monitoring

S1105 – Student Harassment – This legislation strengthens Idaho's existing anti-bullying laws by ensuring that districts, schools, and school personnel have a role in preventing and intervening in bullying should it occur. Language saying that bullying “may” be an offense is removed and it is left to the courts to determine if the law has been broken. A 3rd offense would constitute a misdemeanor. The bill outlines what school superintendents and principals are to do to prevent and intervene in cases of bullying.

Sponsor: Sen. Shawn Keough (R-1), Sen John Goedde (R-4), Sen. Nicole LeFavour (D-19)

Status: Passed in Senate 32-3-0 on 3/8 as amended to require graduated consequences as set forth in State Board of Education rules and a requirement for school districts to annually report bullying incidents to the Dept. of Education; currently in House Education; died on the 3rd Reading (up for a vote) in House

Council Position: Monitoring

S1108– Education – This legislation deals with labor relations and employee entitlements in the public schools. It replaces S1068. Changes include:

- local school boards have to give employees no less than 10 days to return contracts
- superintendent may designate someone to do annual performance evaluations; school boards can do these only if there is no superintendent
- only 2 types of contracts are available instead of 3 (A & B were combined to make 1 – 1 year contract; a 2 year contract is also available)
- the date for grandfathered contracts is 1/31/11, instead of 1/1/11
- regarding transfers, 2 options must be given to principals, unless 2 are not available

Sponsor: Sen. John Goedde (R-4)

Status: Passed Senate 20-15 on 2/24; passed House 48-22 on 3/8; signed by Governor on 3/17; LAW (see related HB335)

Council Position: Monitoring

S1109– Education – This legislation deals with education reform. It replaces S1069 but has the following differences:

- students are required to take 4 online credits before graduation instead of 6
- decision making authority about laptops is delegated to the local school districts
- the language that students get to keep laptops after graduation was removed.

Sponsor: Sen. John Goedde (R-4)

Status: Held in Senate Education and replaced with S1110 and S1113.

Council Position: Monitoring

S1110– Education – This legislation is part of the education reform package. It institutes a pay for performance system for Idaho teachers on a school-wide basis; pay for performance had previously been part of S1069.

Sponsor: Sen. John Goedde (R-4)

Status: Passed Senate 20-15 on 2/24; passed House 44-26-0 on 3/9; signed by Governor on 3/17; LAW (see related HB336)

Council Position: Monitoring

S1113– Education – This legislation deals with education reform and replaces S1109. It provides the funding for S1108 and S1110.

Sponsor: Sen. John Goedde (R-4)

Status: Returned to Senate Education on 2/23 after being sent to the floor of the Senate; held in Senate Education and replaced by SB1184

Council Position: Monitoring

S1161– Commission for Blind and Visually Impaired – This legislation provides an appropriation of \$4,470,500 for the Commission for the Blind for SFY2012 and transfers \$650,000 to the state general fund for SFY2011.

Sponsor: JFAC

Status: Passed the Senate 35-0-0 on 3/17; passed in House 65-3-2 on 3/25; signed by Governor on 4/5; Section 1 (2011 supplemental appropriation) effective 4/5/11; remainder of bill effective 7/1/2011

Council Position: Monitoring

S1176– Commission on Aging – This legislation provides an appropriation of \$12,684,200 for the Commission on Aging for SFY2012 and appropriates and additional \$65,200 to the Commission for SFY2011.

Sponsor: JFAC

Status: Passed the Senate 35-0-0 on 3/23; passed in House 61-9-0 on 3/28; signed by Governor on 4/5/11; Section 1 (2011 supplemental appropriation) effective 4/5/11; all other sections effective 7/1/2011
Council Position: Monitoring

S1184– Education – This bill replaces SB 1113; it provides the funding for S1108 and S1110.

Sponsor: Sen. John Goedde (R-4)

Status: Rules suspended and passed Senate 20-15-0 on 3/24; passed House 44-26-0 on 4/1; sent to Governor on 4/5

Council Position: Monitoring

S1189– Vocational Rehabilitation – This bill amends the appropriation for the Division of Vocational Rehabilitation by decreasing the general fund amount for the Council for the Deaf and Hard of Hearing and replacing that with \$93,600 in federal funds for SFY 2011; and appropriating \$23,430,500 to the Division of VR for SFY 2012; this legislation includes intent language directing VR to work with DHW to explore moving the End-Stage Renal Disease Program out of VR and into DHW.

Sponsor: JFAC

Status: Passed in Senate 35-0-0 on 3/30; passed House 69-0-1 on 4/4; sent to Governor on 4/7

Council Position: Monitoring

S1194 – Medicaid Trailer – This legislation amends H0260 to remove the hospital assessment exemption for private hospitals placing them in the same category as all other hospitals except State Hospital North in Orofino, State Hospital South at Blackfoot and the Department of Veteran's Affairs Medical Center in Boise, which are exempt from the assessment required by Section 56-1404, Idaho Code.

Sponsor: Senators Patti Ann Lodge (R-13) and Dan Schmidt (D-6)

Status: Returned to Senate Health and Welfare from 3rd Reading in the Senate on 3/31

Council Position: Monitoring