



April 7, 2008

Final Legislative Report

NOTE: All bills in blue were passed into law.

House Bills

HCR034 – Special Olympics – Welcomes athletes and all guests who come to visit Idaho during the 2009 Special Olympics World Games and encourages Idahoans to volunteer in support of the games.

Status: Passed House and Senate, Adopted

Council Position: Monitoring

HCR040 – Medicaid Medication Therapy – Encourages the Dept. of Health and Welfare to proceed with the development of a Medicaid Medication Therapy Management Program to reduce “inappropriate and medically unnecessary” drug therapy.

Status: House Health and Welfare

Council Position: Monitoring

HCR041 – Medicaid – Urges the Dept. of Health and Welfare to use portions of the Medicaid Disproportionate Share Hospital funds to help individuals retain private health insurance.

Status: House Health and Welfare

Council Position: Monitoring

HCR043 – Children’s Health – Recognizes the importance of children’s health and supporting public and private outreach efforts to help them get the health coverage they need.

Status: Defeated in House Health and Welfare due to opposition to outreach which would result in potential increase in number of participants

Council Position: Monitoring

HCR056 – Secure Mental Health Facility - This resolution states that the State of Idaho should not use prison facilities for the treatment or confinement of people with mental illness who have not been convicted of a crime or charged with commission of a violent crime. It also states that a secure facility for treatment of people with serious mental illness should be

established under the administration of the Department of Health and Welfare, and should be separate from the secure facility proposed by the Department of Corrections.

Status: Held in House Health and Welfare

Council Position: **Support**

HCR058 – Secure Mental Health Treatment – This resolution permits the Department of Corrections to enter into an agreement with the Idaho State Building Authority to use \$70,000,000 in bonds to finance the construction of a 300-bed facility for both civilly committed and criminally convicted persons with serious mental illness. The facility is the same that was designed to be jointly operated by the Department of Corrections and the Department of Health and Welfare. The site of the facility is yet to be determined. This resolution is an alternative to HCR056 that was proposed by advocates.

Status: Adopted on 3/18 in the House 66-4-0; adopted unanimously in the Senate on 3/20

Council Position: **Support the building of separate facilities, but oppose the combining of civilly committed individuals with those persons convicted of a crime**

HJM006 – Skilled Nursing Facilities – Urges Congress and the Administration to allow advocates and industry representatives to negotiate on standards to improve quality

Status: Adopted

Council Position: Monitoring

H0396 – Vision Screening in Schools – Sets up a structure to provide vision screening for all students in grades 1, 2, 4, 6, and 8 and ensures that screeners are trained.

Status: House Education

Council Position: Monitoring

H0399 – Community Colleges – Changes current law to increase maximum tuition required for full-time students of a community college

Status: Passed the House 49-18-3 on 2/13; passed Senate 33-0-2 on 3/6, signed by Governor 3/17; LAW

Council Position: Monitoring

H0402 – Vote by Mail Precincts – Changes current law so that any precinct may be designated a vote by mail precinct by the board of county commissioners and allows other voting places within a precinct.

Status: Held in House State Affairs
Council Position: **Oppose**

H0413 – Permanent Absentee Voters – Anyone could apply to the county commissioner to be a permanent absentee voter

Status: House State Affairs
Council Position: Monitoring

H0442 – Exploitation of Vulnerable Adults – Revises definition of “exploitation” or “exploit” to include unjust or improper use of financial power of attorney

Status: Passed House 69-0-1 on 2/19; passed Senate 33-0-2 on 3/14; signed by Governor on 3/19; LAW
Council Position: Monitoring

H0465 – Local Land Use Planning for Group Homes – Amends current law to protect group residences for people with disabilities but allows local zoning authorities to apply limits to group residences for people on probation or parole or who are sex offenders

Status: Passed House 61-4-5 on 2/20; passed Senate 32-1-2 on 3/5; signed by Governor on 3/17; LAW
Council Position: Monitoring

H0466 – Alcohol –Notice of Neurological Disorders – Encourages certain places that sell alcoholic beverages to post warning signs regarding Fetal Alcohol Syndrome and other neurological disorders that can occur as a result of drinking while pregnant.

Status: Passed House 45-17-8 on 2/20; Senate Health and Welfare
Council Position: Monitoring

H0489 - Health Quality Planning Commission - Amends existing law relating to the Department of Health and Welfare and the Health Quality Planning Commission to revise terms and duties of Health Quality Planning Commission members; the bill was amended to direct the commission to meet quarterly and directs reports and recommendations of the commission to be made consumer-friendly language.

Status: passed House 67-0-3 on 3/14; passed Senate 33-0-2 on 3/24; signed by Governor on 4/1; LAW
Council Position: Monitoring

H0492 – Residential Care – Amends existing requirements for people seeking licensure as an administrator of a residential care facility to allow

the person to choose between a nationally-recognized exam and one that will be based on knowledge of Idaho rules and regulations

Status: Passed House 66-0-4; passed Senate 31-0-4 on 3/4; Governor signed on 3/14; LAW

Council Position: Monitoring

H0504 – High Need Educators – Provides for the State Board of Education to determine “high need” educator fields and allow for loan forgiveness program for those fields.

Status: House Education

Council Position: Monitoring

H0507 – Managed Care Reform – Due to the uneven distribution of clients and providers of substance abuse treatment, this bill exempts those from managed care requirements

Status: House Health and Welfare

Council Position: Monitoring

H0508 – Substance Abuse – Adds and amends statute to update definitions and procedures for treatment of substance abuse.

Status: Passed House 62-0-8 on 2/20; passed Senate 33-0-2 on 3/3; Governor signed on 3/14; LAW

Council Position: Monitoring

H0509 – Prescription Drug Program – Establishes the Idaho Prescription Drug Program within the Dept. of Health and Welfare to provide uninsured and underinsured individuals with prescription drugs at rates similar to those in group health plans. This program is expected to save people 40-60 % in costs.

Status: House Health and Welfare

Council Position: Monitoring

H0513 – Health Insurance – Aligns current law with Medicaid reform policy changes. Creates the Access to Health Insurance Program which provides insurance premium assistance to individuals and businesses.

Status: House Health and Welfare

Council Position: Monitoring

H0517 – Consumer Protection – Provides additional protection to people with disabilities and the elderly under the Idaho Consumer Protection Act;

Status: Passed the House as amended 63-4-3 on 2/29; amended again in Senate and passed 35-0-0 on 3/13; House approved Senate amendments 65-2-3 on 3/19' signed by Governor on 3/25; LAW
Council Position: Monitoring

H0521 – Health Insurance Premiums – Requires all health insurance policies for Idaho residents to include a provision that limits premium increases to no more than the rate of medical inflation; this can be waived by petitioning the Department of Insurance

Status: House Business
Council Position: Monitoring

H0531 – Negotiated Rulemaking – Amends existing law to provide procedures for negotiated rulemaking and provides for an agency to post notice of rulemaking onto its website if the agency has a website.

Status: Passed the House, as amended, 54-12-4 on 2/29; Senate State Affairs
Council Position: Monitoring

H0569 – Special Olympics Tax Return Funding - Allows a taxpayer to make a donation to the Special Olympics Idaho Fund at the time of filing the taxpayer's Idaho tax return. Moneys in the fund shall be appropriated to the Idaho Chapter of Special Olympics for athletic programs and health screenings for Idaho children and adults with developmental disabilities. Fund money will be used to buy sports equipment, uniforms, and transportation services. Donations to the fund will also be used to provide school enrichment programs to children with or without disabilities and health screenings for athletes with developmental disabilities. Funds will also be used for training expenses and year-round sports event competition.

Status: Passed House 68-0-2 on 3/7; passed Senate 33-0-2 on 3/14; signed by Governor on 3/19; LAW
Council Position: Monitoring

H0575 - Teens At Risk - This legislation makes a technical fix to Idaho's Teen Early Intervention Specialist Pilot program, changing the definition from children attending grades 7-12 to individuals attending secondary school. This bill will accommodate the range of grades and ages present in Idaho middle schools as well as alternative schools.

Status: Passed House 70-0-0 on 3/5; passed Senate 33-0-2 on 3/14; signed by Governor on 3/19; LAW
Council Position: Monitoring

H0591 – Managed Care Reform – Amends the law to exempt DHW’s Substance Use Disorder Bureau from managed care requirements to allow them to enter into selective contracting for substance abuse treatment. This does not apply to current network providers or providers who are being reimbursed by private pay or insurance.

Status: House Health and Welfare, amended; passed House 59-8-3 on 3/14; signed by Governor on 3/31; LAW

Council Position: Monitoring

H0624- Absentee Voters – Allows for permanent absentee ballot status for individuals who have disabilities, who are serving full time in the military or who are full time missionaries.

Status: Held in House State Affairs after a hearing 3/17

Council Position: Monitoring

H0646 – Independent Councils – This is the FY 2009 appropriations bill for the DD Council, the Council for the Deaf and Hard of Hearing and the Domestic Violence Council. The bill provides for a 3% raise for Council staff but shifts \$15,900 from DD Council state funds to federal funds due to the personnel costs in the Person Centered Planning grant. It also includes \$10,000 for interpreter services for the Council for the Deaf and Hard of Hearing instead of the funds for a full-time staff interpreter, and those funds are contingent upon a work study of CDHH to be conducted by VR.

Status: Passed House 64-1-5 on 3/19; passed Senate unanimously on 3/25; signed by Governor on 3/28; LAW

Council Position: Monitoring

H0649 – Developmental Disabilities – This is the appropriations bill for community and institutional programs for people with developmental disabilities in Idaho. It provides nearly \$17.9 million for community DD services (primarily the Infant Toddler program, including a transfer of \$123,300 from the Council for the Deaf and Hard of Hearing for the Sound Beginnings infant hearing screening program) and \$25.7 million for Idaho State School and Hospital. The bill includes intent language that requires the DHW to report back to the 2009 legislature on the growth in intensive behavioral intervention (IBI) services and the impact that 5 new positions have had on this program. This bill does not include the \$50,000 requested for training at ISSH on dual diagnosis. The funds for the construction of two new quad-plexes and the conversion of one of the 20-bed buildings from an ICF/MR to a psychiatric facility were approved but not included in this bill.

Status: Passed House 67-0-3 on 3/19; passed Senate unanimously on 3/25; Governor signed on 4/1; LAW

Council Position: **Support** the request for training funds for dual diagnosis, **support** the conversion of the 20-bed building to a psychiatric unit, but **opposed** the construction of new residential buildings for people with developmental disabilities on the ISSH campus (encouraged enhancing community based services statewide as an alternative.

H0651 – Mental Health Services – This bill appropriates the funds for Idaho’s community and childrens mental health services for FY 2009. It provides nearly \$15 million and 91 staff for the children’s program and \$25.6 million for community mental, including \$3.1 million for the community mental health grants program. Intent language is attached that states that a minimum of \$2.1 million is to be spent on contract services for children’s mental health. It also limits the amount to be spent on school-based day treatment services to the amount in FY 2007 and directs DHW to provide a report to the 2009 legislature on payments made to schools for mental health day treatment services. Intent language also states that \$900,000 will be used to establish dual diagnosis crisis intervention beds in Region 4 that will be managed by Ada County and \$1.24 million is directed to a correctional alternative pilot project in Region 7. The converted inpatient psychiatric facility at ISSH is not included in this bill.

Status: Passed House 69-0-1 on 3/19; passed Senate unanimously on 3/25; signed by Governor on 4/1; LAW

Council Position: Monitoring

Senate Bills

SJM109 – College Opportunity Act (federal) – Requests Congress to strike Section 108 from the College Opportunity and Affordability Act of 2007 (HR4137) to ensure that state higher education budgeting decisions are made by state officials and not the U.S. Secretary of Education.

Status: Adopted by Senate on 1/31 and by the House on 2/13; to Secretary of State 2/19; Adopted

Council Position: Monitoring

SCR122 – State Education Budget Study – Authorizes the Joint Legislative Oversight Committee to direct the Office of Performance

Evaluations to conduct a study of Idaho's Kindergarten through Grade 12 public education funding formula.

Status: Senate State Affairs

Council Position: Monitoring

SCR129 – School Administrators Study – Requests the Board of Education's Professional Standards Commission to study and issue a report concerning the training of school administrators in teacher supervision and evaluation.

Status: Passed Senate 33-0-2 on 2/18; passed House 66-0-4 on 3/12; Speaker signed on 3/14

Council Position: Monitoring

S1256 – Idaho Career Information System – Provides for the Idaho Career Information System within the Dept. of Labor to promote through DOL initiatives and provide better public access through local offices.

Status: Passed Senate 31-0-4 on 2/19; passed House 63-4-3 on 3/6; Governor signed 3/14; LAW

Council Position: Monitoring

S1265 – Fish and Game – Archery – Changes the term "handicapped" to "disabled" in the law relating to free permits for using a cross bow for people with physical disabilities

Status: Passed Senate 340-01 on 1/31; passed House 62-0-8 on 2/28; signed by Governor 3/5; LAW

Council Position: Monitoring

S1283 – Human Rights Commission – Changes the law to allow district courts to award reasonable attorney fees to a person who has won an action in court for discrimination

Status: Senate Judiciary

Council Position: Monitoring

S1290 – Teacher Alternative Pay Plan – Provides for an alternative pay plan for certified public employees, funding formula and to provide a state framework for locally developed knowledge and skills-based compensation pay plans. (supported by Idaho Education Association)

Status: Held in Senate Education

Council Position: Monitoring

S1310 – Teacher Salaries – Provides for teacher salary categories, allows an exception to renewable contracts, provides for the Idaho teacher

advancement and recognition system, base salary increases, and growth and excellence bonus awards. Also provides for appointment of a teacher performance evaluation task force. (Superintendent Luna plan; replaced by alternative bill, S1436)

Status: Held in Senate Education

Council Position: Monitoring

S1325 – Conservators – Amends law to clarify nomination of a conservator by an individual.

Status: Passed Senate 34-0-1 on 2/12; passed House 60-0-10 on 3/10; Speaker signed 3/12; Governor signed on 3/17; LAW

Council Position: Monitoring

S1326 – Guardianships/Conservatorships – Provides guidance for transfer or temporary recognition of foreign guardianships or conservatorships of individuals with developmental disabilities who are moving to Idaho.

Status: Passed Senate 33-0-2 on 2/8; Passed House 65-0-5 on 3/3; Governor signed on 3/11; LAW

Council Position: Monitoring

S1327 – Guardians – Amends law to provide that the court visitor and guardian ad litem will determine if a convicted felon resides or frequents the residence of a proposed guardian, states guardian responsibility to protected person, and clarifies the ability for a person to nominate a guardian includes naming a person as health care agent in a durable power of attorney for health care.

Status: Passed Senate 33-0-2 on 2/8; Passed House 65-0-5 on 3/3; Governor signed on 3/11; LAW

Council Position: Monitoring

S1330 – Guardianships/Conservatorships – Simplifies exempt property allowance for surviving spouses and children with respect to Medicaid issues.

Status: Senate Judiciary and Rules

Council Position: Monitoring

S1333 – Self-Proved Wills – Provides methods for individuals to prove a will who are unable to read or physically sign documents.

Status: Passed Senate 33-0-2 on 2/8; Passed House 66-0-4 on 3/3; Governor signed on 3/11; LAW

Council Position: Monitoring

S1335 – Uniform Power of Attorney Act – Adds to existing law to enact the Uniform Power of Attorney Act. The act provides a way for people to deal with their property by providing a power of attorney, which can be used in case of future incapacity or if the individual is unavailable. Also contains safeguards for the protection of the individual.

Status: Passed Senate 33-0-2 on 2/8; passed House 45-19-6 on 3/13; signed by Governor on 3/18; LAW

Council Position: Monitoring

S1340 – Medicaid Fraud – Requires suspected Medicaid provider fraud to be referred to the Medicaid Fraud Control Unit and provides methods for the Dept. of Health and Welfare to investigate and have administrative remedies for provider fraud in other public assistance programs as well.

Status: Passed Senate 35-0 on 2/6; passed House 66-1-3 on 3/13; Signed by Governor on 3/18; LAW

Council Position: Monitoring

S1345 – Medical Assistance– Provides for Dept. of Health and Welfare claims on settlements given to medical assistance recipients to give priority for reimbursement of medical expenses paid by the DHW.

Status: Senate Health and Welfare; pulled by sponsor (DHW)

Council Position: Monitoring

S1349 – Public Funds - Misuse – Provides grading and punishment for misuse of public funds by public officers and public employees.

Status: Passed Senate 33-0-2 on 2/6; Passed House 62-0-8 on 2/22; LAW

Council Position: Monitoring

S1376 – Daycare Facilities – Changes current licensing requirements for day care providers to apply to people who are paid to care for 4 or more children; it sets out basic requirements for providers and establishes new child/provider ratios.

Status: Senate Health and Welfare

Council Position: Monitoring

S1383 – Minors – guardian – Changes the law to prevent a felon from being appointed as a guardian of a minor unless it can be proven to be in the best interest of the minor. This is a companion bill to SB 1327

Status: Passed Senate 29-1-5 on 2/21; Held in House Judiciary

Council Position: Monitoring

S1386 – Authorization of Medications – Creates a Pharmacy and Therapeutics Committee under the Director of the Department of Health and Welfare, names who will serve on the committee, and says that the committee authorizes a physician to prescribe medication without prior departmental authorization if, in the physician's opinion the medication is medically necessary for a specific patient or if the drug has previously been approved by the department for that patient's medical condition

Status: Held in Senate Health and Welfare

Council Position: Monitoring

S1395 – Insurance – Amends the law to allow a person with a serious health condition who also has private insurance to qualify for the High Risk Insurance Pool if there is a reasonable probability that they will exceed the lifetime maximum for their insurance policy within 90 days

Status: Passed Senate 34-0-1 on 2/21; passed House 67-0-3 on 3/18; signed by Governor on 3/25; LAW

Council Position: Monitoring

S1396 – Building Requirements – Allows the Building Code Board to amend building codes in Idaho including weakening amendments to the “accessibility requirements for people with disabilities”

Status: Held in Senate Human Resources and Commerce

Council Position: Monitoring

S 1404 – School Age – Amends the law to allow local school districts the option to serve 4-year-olds.

Status: Died on the amending order in the Senate

Council Position: **Support**

S 1406 – Early Childhood Development – Permits districts to apply for funds to provide high-quality pilot pre-kindergarten programs that have certain standards

Status: Pulled by sponsor (Sen. Burkett) for further work and reintroduction next session

Council Position: Monitoring

S 1409 – Alternative School Support Units – Provides for additional funding – through the calculation of support units – for schools providing alternative education programs for at-risk students in grades K-6.

Status: Failed in Senate 14-19-2 on 3/3

Council Position: Monitoring

S 1426 – Commitment for People with Mental Illness – Amends current law to change the process for committing people with mental illness to outpatient treatment. Amendments tightened the definition of “likely to injure self or others” and “gravely disabled”.

Status: Passed Senate 33-0-2 on 2/21; Amended in House and approved 68-0-2 on 3/19; Senate concurred with House amendments on 3/25; Governor signed 4/1; LAW

Council Position: **Oppose**

S 1436 – Teacher Salaries – Updated version of earlier I-STARS proposal (S1310); this bill provides for a new method of teacher compensation in Idaho, called the Idaho State Teacher Advancement and Recognition System, or I-STARS. This new system is built on top of the existing system of rewarding teacher’s years of experience and education credits by adding bonuses based on student achievement, leadership awards and local control for incentives to attract and retain qualified staff.

Status: Failed in Senate 16-19-0 on 2/29

Council Position: Monitoring

S 1437 – Teacher Dismissal – The purpose of this legislation is to both streamline and professionalize the process of dismissing a public school teacher working under a continuing contract.

Status: Senate Education

Council Position: Monitoring

S 1440 – Special Olympics License Plate – Provides recognition for the 2008 World Winter Olympics Games, and funding for the 2009 World Winter Special Olympics Games. Funding from the plate will go toward the promotion of the 2009 Games to generate awareness and support these tremendous athletes.

Status: Passed Senate 31-4-0 on 3/4; passed House 56-10-4 on 3/13; signed by Governor on 3/18; LAW

Council Position: Monitoring

S 1443 – School Medications – Amends Idaho Code to allow K-12 students to possess and self-administer an epinephrine Auto-Injector. Both the possession of an epinephrine Auto-Injector and the ability to self-administer are limited to prescribed medication that alleviates severe allergic reactions. The legislation maintains the authority of school districts to require the registration of medication through school administrative procedures.

Status: Passed Senate 32-0-3 on 3/3; passed House 66-0-4 on 3/19;
Governor signed on 3/28; LAW
Council Position: Monitoring

S1451 – Developmental Disabilities, Supplemental Appropriations – This bill is the FY 2008 supplemental appropriation for the Developmental Disabilities program within the Department of Health and Welfare. This bill provides additional \$100,000 in general funds (from dedicated funds) for the Idaho State School and Hospital to cover the costs of purchasing prescription medication through Medicare Part D. The bill also reduces the Community Developmental Disability Services budget by \$784,000, the funding is utilized in the State Hospital South supplemental appropriation to pay for an audit finding.

Status: Passed Senate 33-0-2 on 3/5; passed House 61-0-9 on 2/10;
Governor signed on 3/17; LAW
Council Position: Monitoring

S1452 – Mental Health Services, Supplemental Appropriations - This bill is an FY 2008 supplemental appropriation for the Department of Health and Welfare for the Division of Mental Health Services. This bill increases the Children's Mental Health FY 2008 budget by \$320,300 in General Fund monies to pay for attorney fees for the Jeff D. lawsuit. This bill also decreases the Community Mental Health FY 2008 budget by \$590,000 in General Funds. The funding will be reappropriated to pay back a Medicare audit in the State Hospital South budget. Finally this FY 2008 supplemental appropriation bill increases the dedicated fund appropriation by \$458,600 in the Community Mental Health program to pay for personnel costs.

Status: Passed Senate 33-0-2 on 3/5; passed House 61-0-9 on 3/10;
Governor signed on 3/17; LAW
Council Position: Monitoring

S1453 – Psychiatric Hospital, Supplemental Appropriations - This is an FY 2008 supplemental appropriation for the Psychiatric Hospitalization division within the Department of Health and Welfare. This bill provides additional funding for annualization of expansion costs for additional beds at State Hospital North, funding for an audit payback to Medicare for funding overpaid by the federal government in FY 2006, add funds to the Community Hospitalization program. The Community Hospitalization program is the budget that covers private hospitalization costs of individuals committed to state custody for mental health reasons. Fiscal impact bill is a net increase of \$3,048,500, \$348,500 of which is ongoing.

Status: Passed Senate 33-0-2 on 3/5; passed House 61-0-9 on 3/10; Governor signed 3/14; LAW

Council Position: Monitoring

S1475 – State Independent Living Council – This bill appropriates \$532,200 for the SILC for FY 2009. Not funded was a request for \$10,000 in state funds to match with the approved \$8,000 in federal funds to pay for moving/lease costs.

Status: Passed Senate unanimously on 3/12; passed the House 61-0-9 on 3/14; signed by Governor on 3/25; LAW

Council Position: Monitoring

S1492 – Vocational Rehabilitation - This bill provides an appropriation of \$25.3 million to the State Board of Education for the Division of Vocational Rehabilitation, including \$76,500 for a PASS Plan writer. Not funded were the Division's request for additional funds for epilepsy services and \$500,000 for extended employment services to individuals on a waiting list. The number of employees was limited to 151.

Status: Passed Senate 34-0-1 on 3/17; passed House 62-0-8 on 3/19; signed by Governor on 3/27; LAW

Council Position: **Supported** including for epilepsy services and for funds for individuals on the waiting list to receive community supported (integrated) employment services

S1498 – Permanent Building Fund – This bill appropriates funds for a variety of state building projects. This is the legislation that includes \$3.25 million for work at Idaho State School and Hospital, including the demolition of old buildings, construction of the 2 quad plexes for current residents with developmental disabilities, and the conversion of one 20-bed facility to a psychiatric unit.

Status: Passed Senate 34-0-1 on 3/19; passed the House 64-1-5 on 3/21; signed by Governor on 4/1; LAW

Council Position: No position on this bill but **support** the demolition of old buildings and conversion of one building but **oppose** the construction of new buildings for current residents; instead the Council advocated increasing and enhancing the community capacity in order for people to be transitioned out of ISSH.