Idaho Board of Health and Welfare
Minutes
December 6, 2006

The Board of Health and Welfare convened at:
Pete T. Cenarrusa
450 W. State Street, 10th Floor
Boise, Idaho

CALL TO ORDER

Chairman Kenyon called the meeting to order at 2:00 pm.

ROLL CALL

Richard M. Armstrong, Secretary, called the roll. Members were asked to also affirm whether they had received the memo from Jeanne Goodenough, Deputy Attorney General, in regards to the petition from the Idaho Hospital Association.

Board Members Present:
Quane Kenyon, Chairman
Dr. Richard Roberge
Richard M. Armstrong
Stephen Weeg (via conference call)
Janet Penfold (via conference call)
Don Gross (via conference call)
Sara Nye (via conference call)
Senator Dick Compton (via conference call)
Representative Sharon Block (via conference call)
Commissioner Tom Stroschein (via conference call)

Board Members Absent:
Dan Fuchs

Department of Health and Welfare Staff Present:
Dave Butler, Deputy Director
Dick Schultz, Deputy Director
Bill Walker, Deputy Director
Jeanne Goodenough, Deputy Attorney General
Lauren Laskarris, Management Services
Tom Shanahan, Public Information

Others Present:
Ellen Bencken, R.N., OSCI
William Scifres
Steve Farro, IASCA
David Willman
Roger Seiber, Capitol West Policy Group
Jerry Deckard, Capitol West Policy Group
Steve Millard, IHA
Craig Carter, Scott Peyron & Associates,
DL Oakes, IHA
Jarred Blankenship, TVH
Kirk Miller, M.D., IO
Erik Heggland, IO
Bob Seehusen, IMA
Beth Toal, St. Luke's
Michael Long, TVH
Jeff Hessing, M.D., TVH
Bob Huntley
Roger Gehrke
Kris Ellis, Benton, Ellis and Associates
Skip Smyser, IASCA
Ken McClure, IMA
David Kirk, IO
Larry Benton, Coalition of Sp. Hospitals
Alicia Wittmeyer, Associated Press

AGENDA ITEM #1: **BOARD DISCUSSION AND DECISION: TEMPORARY MORATORIUM ON THE LICENSING AND CERTIFICATION OF NEW INPATIENT HOSPITAL BEDS**

Chairman Kenyon opened the meeting by stating the Board was convened to discuss and make a decision on the petition submitted by Steve Millard, President, Idaho Hospital Association (IHA), at the November 17, 2006, Board meeting. Mr. Kenyon also restated that since public testimony was taken at the November 16-17, 2006, meeting, no public testimony would be taken at this meeting.

Discussion ensued. Board Members asked for clarification of what was being asked in the petition. Board members discussed whether or not the proposed rule meets the criterion for a temporary rule. According to Section 67-5226(1), Idaho Code, temporary rules can be adopted and take effect before legislative review if the Governor [through the Division of Financial Management] finds that one of three criteria are satisfied, for:

(a) protection of the public health, safety, or welfare; or
(b) compliance with deadlines in amendments to governing law or federal programs; or
(c) conferring a benefit.

Board Members then discussed whether or not the approval or disapproval of the petition would cause portions of hospitals to close. Board members also discussed the time frame in which the issue would be heard by the Legislature.

Motion: Senator Compton moved that the Idaho Board of Health and Welfare deny the petition for rulemaking filed by the Idaho Hospital Association on November 17, 2006, on the basis that the proposed rule does not qualify as a temporary rule and the Board does not have authority to suspend the processing of hospital applications for licensure and certification as requested.

Second: Janet Penfold

Discussion on The Motion: Stephen Weeg stated that one of his concerns is that there are some fundamental economic structural issues in healthcare that are more problematic and may be driving some of this. If the Board decides to deny or approve of the temporary rule, could the Board also recommend or urge the Legislature and relevant parties to look at this whole issue in depth.

Roll Call Vote:

Mr. Fuchs – Absent
Dr. Roberge – Nay
Mr. Gross – Aye
Mr. Stroschein – Aye
Ms. Penfold – Aye
Mr. Weeg– Aye
Mr. Kenyon – Aye
Rep. Block – Aye
Sen. Compton – Aye

Motion carried.

Motion: Steven Weeg moved that the Idaho Board of Health and Welfare encourage the Idaho Governor and 2007 Legislature to convene with key stakeholders to research and develop

solutions for future delivery of healthcare that will benefit all Idahoans and the healthcare industry.

Second: Dr. Roberge

Discussion on The Motion: Board Members discussed the various aspects involved in this motion and other ways the Board could address this motion.

Roll Call Vote:

Mr. Fuchs – Absent
Dr. Roberge – Aye
Com. Stroschein – Aye
Mr. Weeg– Aye
Mr. Kenyon – Nay
Rep. Block – Nay
Sen. Compton – Nay
Mr. Gross – Nay
Ms. Penfold – Nay

Motion failed.

AGENDA ITEM #2: **ADJOURNMENT:**

Motion: Chairman Kenyon moved to adjourn the meeting at 2:30 pm .

Vote: Motion carried. 8 Ayes 0 Nays 1 Absent (Fuchs)

Respectfully signed and submitted by:

Quane Kenyon

Quane Kenyon, Chairman, Health and Welfare Board

Richard M. Armstrong, Secretary, Health and Welfare Board

Elsie Boyd for

Lauren Laskarris, Management Analyst and Recorder