

**IDAHO BOARD OF HEALTH AND WELFARE**  
**MINUTES**  
**November 17, 2011**

The Board of Health and Welfare convened at:  
Pete T. Cenarrusa Bldg.  
450 W. State Street  
Boise, Idaho 83720

**BOARD MEMBERS PRESENT**

Richard Roberge, Chairman  
Richard Armstrong, Secretary  
Dan Fuchs  
James Giuffré  
Darrell Kerby  
Commissioner Tom Stroschein  
Stephen Weeg

**STAFF PRESENT**

Drew Hall, Deputy Director, Public Health, Welfare, and Family Services  
David Taylor, Deputy Director, Support Services  
Leslie Clement, Deputy Director, Behavioral Health, Medicaid, and Managed Care  
Peg Dougherty, Lead Deputy Attorney General  
Tom Shanahan, Public Information Manager  
Tamara Prisock, Administrative Services Manager  
Kim Thurston, Administrative Assistant to the Board  
Jane Smith, Division of Public Health Administrator  
Paul Spannkebel, Division of Operational Services Administrator  
Debby Ransom, Licensing and Certification Bureau Chief  
Wayne Denny, Emergency Medical Services Bureau Chief  
Steve Bellomy, Audits & Investigations Bureau Chief  
Eric Brown, Program Supervisor, Division of Medicaid  
Fernando Castro, Criminal History Program Supervisor  
Karen Vasterling, CFH Program Supervisor  
Valerie Burgess, Child Welfare Program Specialist  
Stephanie Miller, Child Welfare Program Specialist  
Kathy Morris, Child Welfare Program Specialist  
Marilyn Peoples, Child Welfare Program Specialist

**OTHERS PRESENT**

Kathleen Little, The Cottages  
Sarina Burdan, The Cottages  
Marsha Bracke, Bracke & Associates

## CALL TO ORDER

Following proper notice in accordance with Idaho Code, Section 67-2343, and pursuant to call by the Chairman, the meeting of the Idaho Board of Health and Welfare was called to order by Richard Roberge, Chairman of the Board, at 8:35 a.m. Thursday, November 17, 2011, at the Pete T. Cenarrusa Bldg., 450 W. State Street, Boise, Idaho.

## ROLL CALL

Richard Armstrong, Secretary, called the roll. Roll call showed **seven** members present. Absent and excused were Senator Patti Anne Lodge, Representative Janice McGeachin, and Janet Penfold. With **six** voting members present, Chairman Roberge declared a quorum.<sup>1</sup>

## PUBLIC COMMENT PERIOD

Chairman Roberge opened the floor for public comment. There being none, the Board advanced to the next order of business.

## MOTION AND ORDER TO AMEND AGENDA

Motion: **Tom Stroschein** moved that the Idaho Board of Health and Welfare, pursuant to Idaho Code §67-2343, amend the agenda for this meeting as follows:

See Amended Agenda (Work Session added at 9:00 a.m.).

Good Faith Reason item not included in posted agenda:

Agenda item overlooked.

Second: **Steven Weeg**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

## ADOPTION OF MINUTES FROM BOARD MEETING ON AUGUST 2, 2011

Motion: **Steven Weeg** moved that the minutes of the August 2, 2011, Board meeting be adopted as prepared.

Second: **Darrell Kerby**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

---

<sup>1</sup> Dan Fuchs was excused from the meeting shortly after roll call. Leaving six members present. Five of those members are voting members, quorum is still present.

## **BEHAVIORAL HEALTH INTERAGENCY COOPERATIVE DISCUSSION**

Marsha Bracke, Certified Professional Facilitator for Bracke & Associates, presented an overview of the Behavioral Health Interagency Cooperative:

- ▣ Established by the Governor in Executive Order 2011-01.
- ▣ Vision:
  - Idaho citizens and their families have appropriate access to quality services provided through the publicly funded behavioral health system that is coordinated, effective, accountable, and focused on recovery.
- ▣ Objective:
  - Integrated behavioral health system focused on recovery.
  - Review and develop recommendations, statewide standards, as well as contract templates.
  - Work with local, state and other stakeholders.
  - Provide status report to Governor in December 2011.
  - Provide Joint Finance and Appropriations Committee, (JFAC) report regarding Substance Use Disorder services and funding reflecting common and entity specific elements.
- ▣ Propose State Behavioral Health Planning Council legislation – 2012 session.

## **NATIONAL ASSOCIATION OF LOCAL BOARDS OF HEALTH CONFERENCE**

Commissioner Tom Stroschein attended the National Association of Local Boards of Health (NALBOH) Conference September 7-9, 2011. Commissioner Stroschein reported that Idaho was well represented at the NALBOH conference. He provided Board members with information he received at the conference. Commissioner Stroschein ended his report by stating that Boards of Health are not connected to any state agency and suggested the Board of Health and Welfare work with their respective local Public Health Boards.

## **REVIEW OF RULES AND LEGISLATIVE PROPOSAL SUMMARY DOCUMENTS**

Presenter: Tamara Prisock, Administrative Services Manager

A summary docket of Rules and Legislative Proposals being presented to the 2012 Idaho Legislature was presented to the Board.

## **APPROVAL OF RULES**

### **Emergency Medical Services (EMS) – Advisory Committee (EMSAC)**

#### **Docket No. 16-0101-1101:**

Presenter: Wayne Denny, Emergency Medical Services Bureau Chief

Wayne Denny, Emergency Medical Services Bureau Chief, presented the Emergency Medical Services (EMS) – Advisory Committee (EMSAC) rule docket for the Board's approval.

This new chapter of rules defines the membership duties and responsibilities of the Emergency Medical Services Advisory Committee (EMSAC). Rules for the EMSAC were previously found under IDAPA 16.02.03, "Emergency Medical Services."

Specifically, this new chapter of rules:

1. Establishes the required membership and organizational representation for the EMSAC, including the addition of the Idaho Transportation Department and removal of the Idaho Board of Medicine representation.
2. Provides length of terms of membership.
3. Provides guidelines, duties, and responsibilities of the committee.
4. Provides definitions and other required sections needed to meet Administrative Procedures Act (APA) requirements for rules.

Motion: **Stephen Weeg** moved that the Idaho Board of Health and Welfare adopt the “Pending” rules for the “Emergency Medical Services – Advisory Committee (EMSAC),” presented under Docket No. 16-0101-1101, effective Sine Die 2012.

Second: **James Giuffré**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Emergency Medical Services (EMS) - Personnel Licensing Requirements**  
**Docket No. 16-0107-1101:**

Presenter: Wayne Denny, Emergency Medical Services Bureau Chief

Wayne Denny, Emergency Medical Services Bureau Chief, presented the Emergency Medical Services (EMS) – Personnel Licensing Requirements rule docket for the Board’s approval.

This new chapter of rules includes requirements and standards for certification and licensure of emergency medical personnel, renewal of licensure, and education criteria for needed skills to perform duties of specific types of licensure. Emergency medical personnel licensed under these rules work or provide EMS services for agencies licensed by the state.

This chapter provides additional clarification for personnel licensing regulatory requirements for continuing education, lapsed licenses, updates to the Idaho EMS Physicians Commissions Standards Manual, and clarification of the requirements during transition.

Rules for the licensing of EMS personnel were previously found under IDAPA 16.02.03, “Emergency Medical Services.”

Motion: **Tom Stroschein** moved that the Idaho Board of Health and Welfare adopt the “Pending” rules for the “Emergency Medical Services (EMS) – Personnel Licensing Requirements,” presented under Docket No. 16-0107-1101, effective Sine Die 2012.

Second: **James Giuffré**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Emergency Medical Services (EMS) – Personnel Licensing Requirements**  
**Docket No. 16-0107-1102:**

Presenter: Wayne Denny, Emergency Medical Services Bureau Chief

Wayne Denny, Emergency Medical Services Bureau Chief, presented the Emergency Medical Services (EMS) – Personnel Licensing Requirements rule docket for the Board’s approval.

This docket contains the fee Section for the new EMS personnel licensing chapter (IDAPA 16.01.07).

Motion: **Tom Stroschein** moved that the Idaho Board of Health and Welfare adopt the “Pending” rules for the “Emergency Medical Services (EMS) – Personnel Licensing Requirements,” presented under Docket No. 16-0107-1102, effective Sine Die 2012.

Second: **James Giuffré**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Emergency Medical Services (EMS) – Complaints, Investigations, and Disciplinary Actions**  
**Docket No. 16-0112-1101:**

Presenter: Wayne Denny, Emergency Medical Services Bureau Chief

Wayne Denny, Emergency Medical Services Bureau Chief, presented the Emergency Medical Services (EMS) – Complaints, Investigations, and Disciplinary Actions rule docket for the Board’s approval.

This new chapter of rules provides for the management of complaints, investigations, enforcement, and disciplinary actions by the EMS Bureau for personnel and agency licensure and certification. These rules were previously found under IDAPA 16.02.03, “Emergency Medical Services.”

Motion: **James Giuffré** moved that the Idaho Board of Health and Welfare adopt the “Pending” rules for the “Emergency Medical Services (EMS) – Complaints, Investigations, and Disciplinary Actions” presented under Docket No. 16-0112-1101, effective Sine Die 2012.

Second: **Stephen Weeg**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Emergency Medical Services**

**Docket No. 16-0203-1101:**

Presenter: Wayne Denny, Emergency Medical Services Bureau Chief

Wayne Denny, Emergency Medical Services Bureau Chief, presented the Emergency Medical Services (EMS) rule docket for the Board's approval.

The Department has reorganized and updated the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services and statutory requirements. The current chapter of rules has been updated as follows:

1. Removed EMS personnel licensure standards, requirements, scope of practice, application, fees, records management, investigation, enforcement, and compliance for both agency and personnel licensing, and EMS Advisory Committee (EMSAC) requirements.
2. Amended the scope of practice, definitions and terminology needed to meet agency requirements and rules that remain in this chapter.
3. Added references to new chapters of EMS rules.

Motion: **Stephen Weeg** moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Emergency Medical Services" presented under Docket No. 16-0203-1101, effective Sine Die 2012.

Second: **Tom Stroschein**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Certified Family Homes**

**Docket No. 16-0319-1101:**

Presenter: Debby Ransom, Licensing & Certification Bureau Chief

Debby Ransom, Licensing & Certification Bureau Chief, presented the Certified Family Homes rule docket for the Board's approval.

The Department, under House Bill 260 (2011), is required to implement licensing fees to cover the certification and recertification costs for certified family homes. These rule changes adopt fees to cover the costs of certification and recertification of certified family homes, add and correct references to statutes, and provide enforcement action for nonpayment of the recertification fees.

Motion: **James Giuffré** moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Certified Family Homes," presented under Docket No. 16-0319-1101, effective Sine Die 2012.

Second: **Stephen Weeg**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

### **Rules Governing Residential Habilitation Agencies**

#### **Docket No. 16-0417-1101:**

Presenter: Eric Brown, Developmental Disability Certification Program Supervisor

Eric Brown, Developmental Disability Certification Program Supervisor presented the Rules Governing Residential Habilitation Agencies rule docket for the Board's approval.

Rule changes in this docket implement 2006 legislative intent regarding selective contracting, and legislation passed under House Bill 260 (2011). The Department has eliminated the provider support services known as "affiliation" and replaced it with a contract for a waiver administrative function that will be referred to as Residential Habilitation Program Coordination for Certified Family Home (CFH) Providers. These rules clarify the certification requirements for residential habilitation agency providers, the health and safety critical incident reporting requirements, and certification enforcement procedures.

Motion: **Stephen Weeg** moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Rules Governing Residential Habilitation Agencies," presented under Docket No. 16-0417-1101, effective Sine Die 2012.

Second: **Tom Stroschein**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

### **Use and Disclosure of Department Records**

#### **Docket No. 16-0501-1101:**

Presenter: Tamara Prisock, Administrative Services Manager

Tamara Prisock, Administrative Services Manager, presented the Use & Disclosure of Department Records rule docket for the Board's approval.

The Department is updating these rules to meet federal requirements for the Child Abuse Prevention and Treatment and Adoption Reform Act (CAPTA).

In Idaho, law enforcement is authorized to remove a child from his or her home when the child is in "imminent danger." This change allows the Department to share information with law enforcement without a court order. This will alleviate delays in law enforcement's investigation of child abuse, neglect, or abandonment.

Motion: **Darrell Kerby** moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Use and Disclosure of Department Records," presented under Docket No. 16-0501-1101, effective Sine Die 2012.

Second: **Tom Stroschein**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Criminal History and Background Checks**  
**Docket No. 16-0506-1101:**

Presenter: Steve Bellomy, Audits & Investigations Bureau Chief

Steve Bellomy, Audits & Investigations Bureau Chief, presented the Criminal History and Background Checks rule docket for the Board's approval.

These rules are being amended to clarify the process for receiving and accessing an applicant's criminal history check (CHC) records and include clarification that:

1. "Agency" and "employer" are synonymous terms.
2. An individual's application and fingerprints must be completed during time lines for compliance.
3. An individual sanctioned by Department programs will receive an unconditional denial.
4. When an applicant has a relevant record or criminal action that is pending in any jurisdiction, the Department cannot proceed with the CHC.

Updates for citations to other Department rule chapters to list of disqualifying crimes resulting in unconditional denials was updated for the different types of manslaughter in Section 18-4006, Idaho Code, and for any substantially conforming foreign criminal violations.

Motion: **James Giuffré** moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Criminal History and Background Checks," presented under Docket No. 16-0506-1101, effective on July 1, 2012.

Second: **Darrell Kerby**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Child and Family Services**  
**Docket No. 16-0601-1101:**

Presenter: Kathy Morris, Child Welfare Program Specialist

Kathy Morris, Child Welfare Program Specialist, presented the Child & Family Services rule docket for the Board's approval.

This rule change is needed to streamline the "Notice of Pending Proceedings" to any and all tribes regarding children who may be subject to the federal Indian Child Welfare Act (ICWA). This rule change removes errors, inconsistencies, and redundancies from the current chapter of rules in Sections regarding compliance with ICWA.

Motion: **Stephen Weeg** moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Child and Family Services," presented under Docket No. 16-0601-1101, effective Sine Die 2012.

Second: **Darrell Kerby**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Child and Family Services**  
**Docket No. 16-0601-1102:**

Presenter: Stephanie Miller, Child Welfare Program Specialist

Stephanie Miller, Child Welfare Program Specialist, presented the Child & Family Services rule docket for the Board's approval.

Section 16-1506(3), Idaho Code, mandates Department oversight of the certified adoption professional program and specifies the fees charged for review of the program's work product. During the 2011 legislative session, the Department proposed statute changes to eliminate the certified adoption professional program. The Senate Health and Welfare Committee declined to proceed with the legislation and asked the Department to consider changes to the current program to increase the quality of services it provides. In response, a stakeholder meeting was held in June 2011, at which time significant changes in this chapter of rules were identified as necessary to increase certification and practice requirements for certified adoption professionals. This docket makes the identified rule changes to this chapter.

Motion: **Darrell Kerby** moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Child and Family Services," presented under Docket No. 16-0601-1102, effective Sine Die 2012.

Second: **Tom Stroschein**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**Rules Governing Standards for Child Care Licensing**  
**Docket No. 16-0602-1101:**

Presenter: Valerie Burgess, Child Welfare Program Specialist

Valerie Burgess, Child Welfare Program Specialist, presented the Rules Governing Standards for Child Care Licensing rule docket for the Board's approval.

House Bill 129a (2011) increased the maximum fee amount that could be assessed for daycare centers in Section 39-1107, Idaho Code. Under Section 39-1109, Idaho Code, the safety standards and staff child ratios were also amended. This docket changed the Child Care Licensing rules to meet statutory requirements for daycare licensing effective July 1, 2011.

Motion: **Stephen Weeg** moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Rules Governing Standards for Child Care Licensing," presented under Docket No. 16-0602-1101, effective Sine Die 2012.

Second: **Darrell Kerby**

Vote: Ayes: **Giuffré, Kerby, Roberge, Stroschein, Weeg**  
Nays: None

Motion Carried.

**DIRECTOR'S REPORT**

Director Armstrong started his report by stating that the Department is doing well; the volume of work has shown a decline. Medicaid applications have slowed from a constant 8 percent increase to a 5 percent increase. Food Stamp growth was in excess of 30 percent, and has now flattened. There is hope that the demands from the recession have been satisfied.

Deputy Director Leslie Clement reported the status of HB 260:

- ☐ Of over twenty unique savings directions identified in HB 260, fifteen have been implemented effective July 1, 2011.
- ☐ At this time, the total savings target of \$34.5 million in general funds is expected to be met.
- ☐ Pharmacy pricing changes began in July and became fully implemented on October 1<sup>st</sup>. Based on cost surveys, pharmacies are now paid using the actual average acquisition cost based on actual invoice information in addition to a tiered dispensing fee based on cost surveys.
- ☐ The co-pay requirement for some of the identified services in HB 260 was initiated in November. Chiropractic, podiatry, and optometry services are now subject to a \$3.65 co-pay for enrollees not exempt from co-pays. Physical therapy, occupational therapy, speech therapy, outpatient hospital visits and physician visit co-pays will be implemented on January 1<sup>st</sup>. Savings are yielded through the subtraction of the co-pay from the Medicaid provider's claim payment.

- ☒ The Money Follows the Person initiative (Idaho Home Choice) was launched with the first individual transitioned from an institution to a community place this month. Some individuals will be moving out of the Southwest Idaho Treatment Center (SWITC) and others from nursing homes and into homes in the communities. New transition money is available for expenses such as first month rent and move-in costs. The savings result from reduced institutional costs.
- ☒ Aligning Medicaid therapy capitation with Medicare will begin in January, which corresponds with the Medicare's enrollment year. The savings projection of \$200,000 in general funds are expected to fall short of the target, given the delay in implementation.
- ☒ A particular concern has been raised by the nursing home industry about the projected impact of the Medicaid nursing home assessment. At this time staff from; Medicaid, Governor's Office, and Legislative Services Office are meeting to discuss options.
- ☒ Some concerns about impacts have included the dental benefit reductions for adults with disabilities, some initial confusion about coverage limits based on chronic care needs, and the co-pay requirements.

### **Medical Home Update**

- ☒ The Governor's Multi-Payer Medical Home Collaborative recently decided to pursue an opportunity to include Medicare along with commercial health plans and Medicaid. This effort will result in applications to Centers for Medicare and Medicaid Services (CMS) by PacificSource, Blue Cross, Regence, and Medicaid to participate with Medicare in medical homes focused on high risk populations that are paid by a case management fee in addition to fee-for-service payment.
- ☒ Idaho Medicaid continues to work in collaboration with Utah to implement initiatives identified in the federal grant – Children's Health Care Coalition. Medical home pilots are targeted to be implemented in selected pediatric practices in the spring of 2012. Federal grant dollars will be used to pay for imbedded nurse managers in the practices, with a focus on children with asthma.

### **DATES SET FOR 2012 BOARD OF HEALTH AND WELFARE MEETINGS**

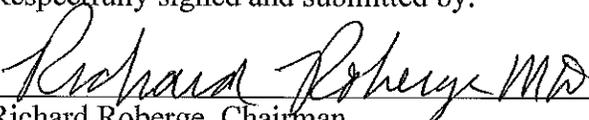
The Board of Health and Welfare will meet once a quarter for the year 2012. Scheduled meetings for 2012 are as follows:

- ☒ Thursday, March 1, 2012
- ☒ Thursday, May 10, 2012
- ☒ Thursday, August 16, 2012
- ☒ Thursday, November 15, 2012

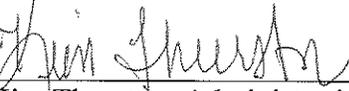
**ADJOURNMENT**

The next meeting of the Board of Health and Welfare is scheduled to be held March 1, 2012. There being no further business to come before the Board, Chairman Roberge adjourned the meeting at 3:22 pm.

Respectfully signed and submitted by:

  
Richard Roberge, Chairman

  
Richard M. Armstrong, Secretary

  
Kim Thurston, Administrative Assistant