

**IDAHO BOARD OF HEALTH AND WELFARE
MINUTES
November 19, 2015**

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

BOARD MEMBERS PRESENT

Darrell Kerby, Chairman
Richard Armstrong, Secretary
James Giuffré
Janet Penfold
Richard Roberge, MD
Tom Stroschein
Stephen Weeg
Senator Lee Heider
Tammy Perkins

STAFF PRESENT

Russ Barron, Deputy Director, Welfare and Family and Community Services
Denise Chuckovich, Deputy Director, Behavioral Health, Medicaid, Public Health, and Office of
Healthcare Policy Initiatives
David N. Taylor, Deputy Director, Support Services
Ross Edmunds, Division Administrator, Behavioral Health
Gary Moore, Division Administrator, Family and Community Services
Tamara Prisock, Division Administrator, Licensing and Certification
Elke Shaw-Tulloch, Division Administrator, Public Health
Miren Unsworth, Deputy Division Administrator, Family and Community Services
James Aydelotte, State Registrar, Vital Records & Health Statistics Bureau Chief, Public Health
Wayne Denny, EMS Bureau Chief, Public Health
Jamie Teeter, Bureau Chief, Behavioral Health
Tom Shanahan, Public Information Manager
Bruce Cheeseman, EMS Program Manager, Public Health
Patrick Guzzle, Food Protection Program Manager, Public Health
Heidi Graham, Civil Rights Manager, Support Services
Michelle Weir, Program Manager, Family and Community Services
Trina Clark, Policy Program Manager, Behavioral Health
Stephanie Miller, Adoption Specialist, Family and Community Services
Tauscha Huerta, Administrative Assistant to the Board
Kim Thurston, Administrative Assistant

OTHERS PRESENT

Nicole McKay, Lead Deputy Attorney General
Dennis Baylam, Lithum

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 Darrell Kerby, Chairman of the Board, at 8:10 a.m., Thursday, November 19, 2015, at the Pete T. Cenarrusa Bldg., 450 W. State Street, Boise, Idaho.

ROLL CALL

Vice-Chairman Strochein, called the roll. Roll call showed **nine (9)** members present. With **six (6)** voting members present, Chairman Kerby declared a quorum. Absent and excused were Wendy Jaquet and Representative Wood.

WORK SESSION

Chairman Kerby opened the floor for a public working session. There being no items to discuss for this agenda topic, the Board advanced to the next order of business.

PUBLIC COMMENT PERIOD

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

ADOPTION OF MINUTES FROM BOARD MEETING ON MAY 14, 2015

Motion: Janet Penfold moved that the minutes of the August 20, 2015, Board of Health and Welfare meeting be adopted as prepared.

Second: Tom Stroschein

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

Motion Carried

SUMMARY OF RULES

Division Administrator Tamara Prisock distributed a list of rules the Department will be presenting to the 2016 Idaho Legislature.

SUMMARY OF LEGISLATIVE PROPOSALS

Division Administrator Tamara Prisock discussed and distributed handouts that contained a summary of legislative proposals the Department will be presenting to the 2016 Idaho Legislature.

APPROVAL OF RULES

Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code), Docket No. 16-0219-1501:

Presenter: Patrick Guzzle, Public Health Food Protection Program Manager, presented the Food Safety & Sanitation Standards for Food Establishments rule docket for the Board's approval.

This rule updated definitions that have caused confusion. Specific language is also being added to clarify a "cottage food" operation in Idaho. There has not been any indication that the foods included in the proposed definition of "Cottage Foods" have ever caused a foodborne illness in the State of Idaho.

Motion: James Giuffré moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)" presented under Docket No. 16-0219-1501, with an effective date of July 1, 2016.

Second: Dr. Roberge

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

Motion Carried.

Rules Governing Certified Family Homes Docket No. 16-0319-1502:

Presenter: Tamara Prisock, License and Certification Division Administrator, presented the Rules Governing Certified Family Homes rule docket for the Board's approval.

This rule allows an increase in fees to keep the Licensing and Certification Program self-sustaining. One-time application fee is increased \$25.00, the monthly certification fee is increased \$5.00, and the cost for "Basic Medication Awareness" is \$60.00.

Motion: James Giuffré moved that the Idaho Board of Health and Welfare adopt the "Pending Fee" rules for the "Rules Governing Certified Family Homes" presented under Docket No. 16-0319-1502, with an effective date of July 1, 2016.

Second: Janet Penfold

Vote: Ayes: **Giuffré, Kerby, Penfold, Stroschein, Weeg**
Nays: **Roberge**

Motion Carried.

Emergency Medical Services (EMS) - Advisory Committee (EMSAC)

Docket No. 16-0101-1501:

Presenter: Bruce Cheeseman, EMS Program Supervisor, presented the EMS Advisory Committee (EMSAC) rule docket for the Board's approval.

This rule adds EMSAC responsibilities for the new EMS Education chapter requirements, "do not resuscitate" directives from the EMS chapter being repealed, and updates references to both chapters.

Motion: Dr. Roberge moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Emergency Medical Services (EMS) - Advisory Committee (EMSAC)," presented under Docket No. 16-0101-1501, with an effective date of July 1, 2016.

Second: Stephen Weeg

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

Motion Carried.

Emergency Medical Services (EMS) - Rule Definitions

Docket No. 16-0102-1501:

Presenter: Bruce Cheeseman, EMS Program Supervisor, presented the EMS Rule Definitions rule docket for the Board's approval.

This rule updates and aligns definitions for the new chapter on EMS education and the EMS personnel licensing chapter.

Motion: Janet Penfold moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Emergency Medical Services (EMS) - Rule Definitions," presented under Docket No. 16-0102-1501, with an effective date of July 1, 2016.

Second: Tom Stroschein

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

Motion Carried.

Emergency Medical Services (EMS) - Agency Licensing Requirements

Docket No. 16-0103-1501:

Presenter: Bruce Cheeseman, EMS Program Supervisor, presented the Emergency Medical Services (EMS) - Agency Licensing Requirements rule docket for the Board's approval.

This rule amends and aligns with new EMS education chapter and updates operational declarations, agency record requirements, and references to new and repealed chapter of rules.

Motion: James Giuffré moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Emergency Medical Services (EMS) - Agency Licensing Requirements" presented under Docket No. 16-0103-1501, with an effective date of July 1, 2016.

Second: Janet Penfold

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

Motion Carried.

Emergency Medical Services (EMS) - Education, Instructor, and Examination Requirements
Docket No. 16-0105-1501:

Presenter: Bruce Cheeseman, EMS Program Supervisor, presented the Education, Instructor and Examination Requirements rule docket for the Board's approval.

This is a new chapter of rules to implement and provide updated initial education, instructor, and examination requirements to meet ever-changing technology and techniques used to protect the health and safety of the public in the provision of emergency medical services.

Motion: Dr. Roberge moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the new chapter "Emergency Medical Services (EMS) - Education, Instructor, and Examination Requirements" presented under Docket No. 16-0105-1501, with an effective date of July 1, 2016.

Second: James Giuffré

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

Motion Carried.

Emergency Medical Services (EMS) - Personnel Licensing Requirements
Docket No. 16-0107-1502:

Presenter: Bruce Cheeseman, EMS Program Supervisor, presented the Personnel Licensing Requirements rule docket for the Board's approval.

This rule amends the EMS personnel licensing rules to provide flexibility for continuing education venues and early submissions for licensure renewals. It also updates licensure timelines, and the EMS Physician Commission Standards Manual to the current edition. Replaced by Docket No. 0107-1502.

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. 16-0107-1502, with an effective date of July 1, 2016.

Second: Dr. Roberge

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

Motion Carried.

**Emergency Medical Services (EMS) - Complaints, Investigations, and Disciplinary Actions
Docket No. 16-0112-1501:**

Presenter: Bruce Cheeseman, EMS Program Supervisor, presented the Complaints, Investigations, and Disciplinary Actions rule docket for the Board's approval.

This rule amends and aligns with new EMS education chapter, and updates to align with agency and personnel licensing requirements for clarity of enforcement actions. Professional standards have been removed and placed in the appropriate licensing chapter.

Motion: Dr. Roberge moved that 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. 16-0112-1501, with an effective date of July 1, 2016.

Second: Janet Penfold

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

Motion Carried.

**Emergency Medical Services
Docket No. 16-0203-1501:**

Presenter: Bruce Cheeseman, EMS Program Supervisor, presented the Emergency Medical Services rule docket for the Board's approval.

Rules from this chapter have been either moved into other chapters or are no longer needed.

Motion: Dr. Roberge moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the chapter repeal of the "Emergency Medical Services," presented under Docket No. 16-0203-1501, with an effective date of July 1, 2016.

Second: Stephen Weeg

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

Motion Carried.

DIRECTOR'S REPORT

Last year Idaho was awarded a \$40 million grant from the Center for Medicare and Medicaid Innovation (CMMI) to implement the Idaho Statewide Healthcare Innovation Plan (SHIP). The goal of SHIP is to redesign Idaho's healthcare delivery system to improve the health of all Idahoans. Key features are:

1. Transform 165 primary care practices to patient centered medical homes (PCMH).
2. Strengthen Health Information Technology (HIT) by connecting primary care practices to the Idaho Health Data Exchange (IHDE)
3. Develop telehealth, data collection, and analytics capacities to improve healthcare delivery.

Director Armstrong describes how data and analytics are vital to the transformation and how they drive numerous processes and programs that support healthcare transformation. The Department is currently looking at how to combine health information data from resources, such as the Department of Public Health, Medicaid, SHIP, and the Idaho Health Data Exchange.

Governor Otter tasked Director Armstrong and Tammy Perkins to meet with every member of the Idaho Legislature to review a proposal for providing primary medical services to the "gap" population without expanding Medicaid. Meetings thus far have been extremely positive. The primary concern has been how to provide funding without using federal dollars.

APPROVAL OF RULES (continued)

Use and Disclosure of Department Records

Docket No. 16-0501-1501:

Presenter: James Aydelotte, State Registrar, Vital Records & Health Statistics Bureau Chief presented the Use and Disclosure of Department Records rule docket for the Board's approval.

This rule adds clarification that any person designated in §54-1142(1), Idaho Code, has "a direct and tangible interest" in the death certificate of a decedent.

Motion: Janet Penfold 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. 16-0501-1501, with an effective date of July 1, 2016.

Second: Dr. Roberge

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

Motion Carried.

**Child and Family Services
Docket No. 16-0601-1501:**

Presenter: Stephanie Miller, Family and Community Services Adoption Specialist, presented the Child and Family Services rule docket for the Board's approval.

This rule amends rules to align with federal requirements for guardianships and adoption assistance programs, and relative notification for foster care.

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. 16-0601-1501, effective Sine Die 2016.

Second: James Giuffré

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

Motion Carried.

**Rules Governing Standards for Child Care Licensing
Docket No. 16-0602-1501:**

Presenter: Michelle Weir, Family and Community Services Program Manager, presented the Rules Governing Standards for Child Care Licensing rule docket for the Board's approval.

This rule amends these rules to align with federal requirements regarding foster care and application of the "reasonable and prudent parent standard."

Motion: Janet Penfold moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Rules Governing Child Care Licensing" presented under Docket No. 16-0602-1501, with an effective date of July 1, 2016.

Second: Tom Stroschein

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

Motion Carried.

**Behavioral Health Sliding Fee Schedules
Docket No. 16-0701-1501:**

Presenter: Jamie Teeter, Behavioral Health Bureau Chief, presented the Behavioral Health Sliding Fee Schedules rule docket for the Board's approval.

This rule amends these rules to combine fee schedules into one table, remove obsolete language and tables, and update references for behavioral health services to rates set in Department contracts.

Motion: Stephen Weeg moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Behavioral Health Sliding Fee Schedules" presented under Docket No. 16-0701-1501, with an effective date of July 1, 2016.

Second: Janet Penfold

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

Motion Carried.

Behavioral Health Programs Docket No. 16-0715-1501:

Presenter: Jamie Teeter, Behavioral Health Bureau Chief, presented the Behavioral Health Programs (New Chapter) rule docket for the Board's approval.

This is a new chapter for implementing and developing a behavioral health system of care. Each behavioral health program will pay a flat fee of \$100 per each program location.

Motion: James Giuffré moved that the Idaho Board of Health and Welfare adopt the "Pending Fee" rules for the new chapter "Behavioral Health Programs" presented under Docket No. 16-0715-1501, with an effective date of July 1, 2016.

Second: Tom Stroschein

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

Motion Carried.

Alcohol and Substance Use Disorders Services Docket No. 16-0717-1501:

Presenter: Jamie Teeter, Behavioral Health Bureau Chief, presented the Alcohol and Substance Use Disorders Services rule docket for the Board's approval.

Alcohol and substance use disorders treatment and recovery support services and program requirements from chapter repeal have been added to this chapter of rules. Changes have been made to the proposed rules to clarify definitions, terminology, and references.

Motion: Tom Stroschein moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the "Alcohol and Substance Use Disorders Services" presented under Docket No. 16-0717-1501, with an effective date of July 1, 2016.

Second: Stephen Weeg

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

Motion Carried.

Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs
Docket No. 16-0720-1501:

Presenter: Jamie Teeter, Behavioral Health Bureau Chief, presented the Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs rule docket for the Board's approval.

Repeal of Chapter.

Motion: Stephen Weeg moved that the Idaho Board of Health and Welfare adopt the "Pending" rules for the chapter repeal of the "Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs" presented under Docket No. 16-0720-1501, with an effective date of July 1, 2016.

Second: Janet Penfold

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

Motion Carried.

PUBLIC HEALTH, MEDICAID, BEHAVIORAL HEALTH and STATE HEALTHCARE INNOVATION PLAN (SHIP) REPORT

Division of Medicaid:

- Deputy Director Denise Chuckovich reported that next spring the Division of Medicaid will be offering primary care clinics that function as patient centered medical homes (PCMH) an alternative payment model, paying for value instead of volume. Medicaid will also be adding a Healthy Connections care management payment as well as Healthy Connections medical home payment for those clinics that have attained national PCMH recognition.

Division of Public Health:

- In April 2015, Governor Otter authorized the establishment of a Food and Drug Administration (FDA)-approved Epidiolex expanded access program for treatment-resistant epilepsy in children. This executive order directs the Department to implement and oversee the program. However, the Department is still waiting for approval from the Drug Enforcement Administration (DEA) before the new drug can be offered.
- Idaho does not have laws around surrogacy so there is a good deal of discussion regarding what surrogacy laws in Idaho should include. The Bureau of Vital Records has

convened stakeholder groups and is currently working with legislators who are drafting legislation.

- The Division of Public Health is involved in a year-long process to obtain national accreditation. Public health department accreditation is a measurement of health department performance against a set of nationally recognized, practice-focused, and evidenced-based standards. The Public Health Division is pursuing national public health department accreditation to improve service, value, and accountability to stakeholders.

Behavioral Health Division

- The Behavioral Health Crisis Center of East Idaho has now been in operation for one (1) year and has had over 1,100 admissions since its opening.
- The federal courts have approved the negotiated agreement for the Jeff D. lawsuit. The Division of Behavioral Health is currently developing an implementation plan.
- Typically Behavioral Health Integration is considered from the perspective of integrating behavioral healthcare into a primary care setting. The Division of Behavioral Health is looking into whether it might be appropriate to bring primary care physicians to the behavioral health setting; this is called reverse integration.

State Healthcare Innovation Plan (SHIP)

- SHIP has several contracts in place and is currently accepting applications for the Health Information Technology (HIT) Payer Project Manager position.
- The project management contractor, Mercer, has worked with the SHIP team to develop the operational plan. That plan will be submitted to the Center for Medicare and Medicaid Innovation (CMMI) December 1, 2015.
- The data analytics request for proposals (RFP) is due on November 24, 2015.
- The PCMH Contract has been awarded to Brilljent.
- Idaho's seven (7) public health districts (PHD) serve as the local facilitators of regional effort for healthcare transformation. Each regional health collaborative consists of PHD directors and 2 physicians, the chair and co-chair. The Office of Healthcare Policy Initiatives (OHPI) held a regional collaborative kick-off November 5, 2015. The purpose of the workshop was to help the public health districts and Regional Collaboratives co-chairs establish a shared understanding about the RC's role in SHIP.
- SHIP has received over 100 applications from primary care practices wanting to become part of the SHIP PCMH transformation. There are 55 available spots for the model test year one (1).

DIVISION OF WELFARE AND FAMILY AND COMMUNITY SERVICES (FACS) REPORT

Welfare

- Open enrollment with Your Health Idaho began November 1, 2015, and will run through January 31, 2015. The Department operates the call center and processes all of the advanced premium tax credits (APTC) for Your Health Idaho. The call center currently receives an average of about 1,000 calls a day and keeps hold times below an average of five (5) minutes with a standard two (2)-day turnaround.
- As a strategic initiative within the Department's Strategic Plan, the Division of Welfare has been working on changing the "stigma" of Welfare by developing an initiative called Live Better. The goal of this initiative is to change the perception from an entitlement program mindset to more of an empowerment mindset; where people feel empowered

through these programs and use them as a support to moving to self-reliance, not as an alternative to work. Two (2) goals of this initiative are:

1. Develop a more customer centric website that will not only provide information and access to Department programs, but to also list other community resources, tools, guides, and connections that will enable individuals to connect with nutrition education, financial planning, employment and training, health initiatives, etc.
 2. Modify the communication of our offices to support an empowerment mindset.
- The Department is currently planning for the implementation of staggered issuance of the Supplemental Nutrition Assistance Program (SNAP) over the first ten (10) days of the month. This change will be implemented July 1, 2016.

FACS

- The Division of FACS is currently looking at obtaining better outcomes for the children we serve in foster care. The goal is to reduce the trauma inflicted on children once they are in the care of the state by reducing the amount of times a child is moved from home to home and reducing the time it takes to reach permanency.
- The Southwest Idaho Treatment Center (SWITC) and Tyler House are the two (2) centers that provide services to individuals with developmental disabilities. Currently, there are 24 individuals residing at SWITC and five (5) individuals residing at Tyler House. The average length of stay for both combined is 34 months.

DIVISION OF SUPPORT SERVICES REPORT

Deputy Director David Taylor discussed changes the Department has made to the budget submission. These receipts and expenditures are listed by major program, fund source, and standard class for fiscal years 2016 and 2017.

Mr. Taylor also discussed and distributed handouts for the proposed decision units for fiscal year 2017.

A bill that was signed by President Obama to fund the federal government, preventing a government shutdown, expires December 11, 2015. Negotiations for a long-term budget plan are currently underway.

OFFICER ELECTION FOR BOARD CHAIR

Idaho Code requires the annual election of a Board Chair.

Motion: Stephen Weeg nominated Darrell Kerby for the Chair of the Idaho Board of Health and Welfare.

Second: Dr. Roberge

Roll Call Vote:

Ayes: **Giuffré, Penfold, Roberge, Stroschein, Weeg**

Nays: None

Motion Carried.

OFFICER ELECTION FOR BOARD VICE-CHAIR

Idaho Code requires the annual election of a Board Vice-Chair.

Motion: Stephen Weeg nominated Commissioner Tom Stroschein for the Vice-Chair of the Idaho Board of Health and Welfare.

Second: Janet Penfold

Roll Call Vote:

Ayes: **Giuffré, Kerby, Penfold, Roberge, Weeg**

Nays: None

Motion Carried.

BOARD MEETING DATES FOR YEAR 2016

February 18, 2016

May 19, 2016

August 18, 2016

November 17, 2016

ADJOURNMENT

The next meeting of the Idaho Board of Health and Welfare is scheduled to be held February 18, 2016. There being no further business to come before the Board, Chairman Kerby adjourned the meeting at 2:00 p.m.

Respectfully signed and submitted by:

Darrell Kerby, Chairman

Richard M. Armstrong, Secretary

Tauscha Huerta, Administrative Assistant