

Idaho Board of Health and Welfare
Minutes
May 19, 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
Janet Penfold, Vice Chair
Richard Armstrong, Secretary
Representative Janice McGeachin
Dan Fuchs
Darrell Kerby
Tom Stroschein
Stephen Weeg
James Giuffre

Staff Present

Drew Hall, Deputy Director, Family and Welfare Services
Richard Schultz, Deputy Director, Health Services
David Taylor, Deputy Director, Support Services
Betty Mills, Special Assistant to the Board
Peg Dougherty, Lead Deputy Attorney General
Tom Shanahan, Public Information Manager
Tamara Prisock, Program Manager, Administrative Services

Others Present

Quayne Kenyon

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 8:07 a.m. Thursday, May 19, 2011, at the Pete T. Cenarrusa Bldg, 450 W. State Street, Boise, Idaho.

Roll Call

Richard Armstrong, Secretary, called the roll. Roll call showed nine members present. Absent and excused were Senator Patti Anne Lodge and Tammy Perkins. With seven voting members present, Chairman Roberge declared a quorum.

Public Comment Period

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

ADOPTION OF MINUTES FROM BOARD MEETING ON FEBRUARY 17, 2011

Motion: Dan Fuchs moved that the minutes of the February 17, 2011, Board meeting be adopted as prepared.

Second: Janet Penfold

Vote: Ayes: Fuchs, Kerby, Roberge, Giuffre, Stroschein, Penfold, Weeg
Nays: None

Motion Carried.

APPROVAL OF RULES

As an introduction to the presentation of Emergency Medical Services (EMS) rule dockets, Dick Schultz announced the EMS Bureau Chief, Dia Gainor, accepted a position as the Executive Director for the National EMS Association. Wayne Denney, who has been with the Department's EMS Bureau for a number of years, has just been named Bureau Chief to succeed Dia. Wayne will be presenting the EMS rule dockets for the Board's approval.

Emergency Medical Services (EMS) – Personnel Licensing
Docket No. 16-0107-1101 (Temporary)

Presenter: Wayne Denny, Chief, Bureau of Emergency Medical Services

The Department is updating the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services. Through the process of implementing new rules, the Department is reorganizing the EMS rules. This new chapter of rule in IDAPA 16.01.07, is part of that reorganization and provides for the licensing of EMS personnel.

Motion: Tom Stroschein moved that the Idaho Board of Health and Welfare adopt the temporary rules for the "Emergency Medical Services – Personnel Licensing Requirements," presented under Docket No. 16-0107-1101 with an effective date of July 1, 2011.

Second: Janet Penfold

Vote: Ayes: Fuchs, Kerby, Roberge, Giuffre, Stroschein, Penfold, Weeg
Nays: None

Motion Carried.

Emergency Medical Services (EMS) – Personnel Licensing

Docket No. 16-0107-1102 (Temporary)

Presenter: Wayne Denny, Chief, Bureau of Emergency Medical Services

The Department is updating the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services. Through the process of implementing new rules, the Department is adding personnel licensing fees to IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." The personnel licensing fees in this docket are the same as in current rule, with no increase to fees.

Motion: Stephen Weeg moved that the Idaho Board of Health and Welfare adopt the temporary rules for the "Emergency Medical Services – Personnel Licensing Requirements," presented under Docket No. 16-0107-1102 with an effective date of July 1, 2011.

Second: Dan Fuchs

Vote: Ayes: Fuchs, Kerby, Roberge, Giuffre, Stroschein, Penfold, Weeg
Nays: None

Motion Carried.

Emergency Medical Services (EMS) – Complaints, Investigations, and Disciplinary Actions

Docket No. 16-0112-1101 (Temporary)

Presenter: Wayne Denny, Chief, Bureau of Emergency Medical Services

The Department is updating the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services. Through the process of implementing new rules, the Department is reorganizing the EMS rules. This new chapter of rule in IDAPA 16.01.12, is part of that reorganization and provides for the investigation of complaints and disciplinary actions for licensure and certification.

Motion: Dan Fuchs moved that the Idaho Board of Health and Welfare adopt the temporary rules for the "Emergency Medical Services – Complaints, Investigations, and Disciplinary Actions," presented under Docket No. 16-0112-1101 with an effective date of July 1, 2011.

Second: Janet Penfold

Vote: Ayes: Fuchs, Kerby, Roberge, Giuffre, Stroschein, Penfold, Weeg
Nays: None

Motion Carried.

Emergency Medical Services (EMS)

Docket No. 16-0203-0901 (Rescind)

Presenter: Wayne Denny, Chief, Bureau of Emergency Medical Services

The temporary rules published under this Docket No. 16-0203-0901 are being rescinded as of July 1, 2011, and the proposed rules are being vacated. The Department is working with stakeholders on rule revisions in this chapter that will reorganize the structure of the Emergency Medical Services rules. Most changes that were made under this Docket 16-0203-0901, that published in the October 7, 2009, Idaho Administrative Bulletin, Vol. 09-10, pages 316 through 341, are still needed in this chapter of rules. Those rule changes are being republished in this Bulletin under Docket No. 16-0203-1101.

Motion: Janet Penfold moved that the Idaho Board of Health and Welfare rescind the temporary rules for the "Emergency Medical Services," presented under Docket No. 16-0203-0901 with an effective date of July 1, 2011.

Second: Darrell Kerby

Vote: Ayes: Fuchs, Kerby, Roberge, Giuffre, Stroschein, Penfold, Weeg
Nays: None

Motion Carried.

Emergency Medical Services (EMS)

Docket No. 16-0203-1101 (Temporary)

Presenter: Wayne Denny, Chief, Bureau of Emergency Medical Services

The Department is updating the Emergency Medical Services rules and the Idaho EMS system to reflect current national standards for safety and quality of services. Through the process of implementing new rules, the Department is reorganizing the EMS rules.

Motion: Stephen Weeg moved that the Idaho Board of Health and Welfare adopt the temporary rules for the "Emergency Medical Services," presented under Docket No. 16-0203-1101 with an effective date of July 1, 2011.

Second: Janet Penfold

Vote: Ayes: Fuchs, Kerby, Roberge, Giuffre, Stroschein, Penfold, Weeg
Nays: None

Motion Carried.

Certified Family Homes
Docket No. 16-0319-1101 (Temporary)

Presenter: Randy May, Deputy Administrator, Division of Medicaid

The Department, under HB 260 adopted by the 2011 Legislature, 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 provides enforcement action for nonpayment of the recertification fees.

Motion: Darrell Kerby moved that the Idaho Board of Health and Welfare adopt the temporary rules for the "Certified Family Homes," presented under Docket No. 16-0319-1101 with an effective date of July 1, 2011.

Second: Janet Penfold

Vote: Ayes: Fuchs, Kerby, Roberge, Giuffre, Stroschein, Penfold, Weeg
Nays: None

Motion Carried.

Rules Governing Standards for Child Care Licensing
Docket No. 16-0602-1101 (Temporary)

Presenter: Valerie Burgess, Program Specialist, Division of Family and Community Services

The 2011 Legislature adopted HB129a that 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 temporary and proposed rule docket makes changes to the Child Care Licensing rules to meet statutory requirements for daycare licensing effective July 1, 2011.

Motion: Darrell Kerby moved that the Idaho Board of Health and Welfare adopt the temporary rules for the "Rules Governing Standards for Child Care Licensing," presented under Docket No. 16-0602-1101 with an effective date of July 1, 2011.

Second: Janet Penfold

Vote: Ayes: Fuchs, Kerby, Roberge, Giuffre, Stroschein, Penfold, Weeg
Nays: None

Motion Carried.

MINIMUM EMS EQUIPMENT LIST

Wayne Denny, Chief, Emergency Medical Services Bureau, presented the EMS Equipment list which has been updated and incorporated by reference in Docket No. 16-0203-1101. The list has not been updated since 2004, and emergency medical services practice has evolved since then.

The equipment list has been updated to reflect the minimum standards required for paramedic ambulances and paramedic non-transport vehicles. In the future, as the EMS Physician Commission updates practice standards, the equipment list will also be updated.

The equipment list is approved by the Board's approval of EMS Rule Docket No. 16-0203-1101, as the list is incorporated by reference in those rules.

ICSA REPORT

Quayne Kenyon provided a report to the Board about the Inter-Agency Committee on Substance Abuse Prevention (ICSA). ICSA was created in the 2007 Legislative Session as part of the law that established the Office of Drug Policy.

The goal of the committee is to coordinate efforts related to substance abuse prevention between the Legislature, the Governor's Office, state agencies such as the Department of Health and Welfare, the Department of Juvenile Corrections, and the Department of Correction, the Idaho State Police, the Idaho Supreme Court, and the magistrate and district courts.

Mr. Kenyon reported the cooperation among the entities in this committee has been the most effective he has ever seen. The committee sunsets this summer and is replaced by the Inter-Agency Cooperative, recently established by Governor's Executive Order. The Inter-Agency Cooperative sunsets in two years and will continue the oversight of the state's substance use prevention system as well as take over the work of the Behavioral Health Transformation Workgroup.

Mr. Kenyon also reported, through the committee's work, the state now has data to show the effectiveness of specific programs. One of the positive indicators has been a drop in the prison population.

Director Armstrong added that, despite challenges in funding, we have curtailed prison population growth, and we have achieved better outcomes. For the first time, we have been able to survey former inmates and have been able to determine that a large percentage of them are employed, have housing, and are drug-free. Our work now is to work with the Legislature to show where we believe funds are best spent to achieve the best outcomes.

FAMILY AND WELFARE SERVICES REPORT

Drew Hall started his report with the Division of Family and Community Services. He announced the Division completed its two-year performance improvement plan in Child

Welfare. In fact, Idaho ranks #1 in the nation for promptness in reunification or adoption of children. He also announced, due to MMIS programming difficulties, the Division will be postponing implementation of children's benefit redesign within the Community Developmentally Disabled Program.

Deputy Director Hall also reported the Legislature passed Senate Bill 1081 which established a standard process for the Southwest Idaho Treatment Center (SWITC), formerly known as the Idaho State School and Hospital, to discharge individuals to community settings even in those instances where a guardian or another person objected. The bill also better defines the population eligible for admission. The census at SWITC (formerly ISSH) has dropped to 46 individuals, down from over 70 a year ago. With these statutory additions, we anticipate reducing the census even further over the next 18 months.

For the Division of Welfare, Food Stamp caseloads continue to grow, but not at the pace they have been growing. Also, the Division applied for a work support strategies grant from the Ford Foundation to strengthen work supports for Idahoans. With this grant, the Department is looking at establishing a self-service, on-line portal as well as on-line applications and also better integrating policies and improving the Idaho Child Care Program to be a more stable support for families.

The Division of Welfare is also working with stakeholders across the state to stagger issuance of Food Stamp benefits as a response to feedback we have received from grocers about the difficulties it causes them to have all Food Stamp benefits issued on the same day of the month. As a part of that work with stakeholders, we will also explore ways to reduce Food Stamp Fraud and Trafficking.

HEALTH SERVICES REPORT

Dick Schultz focused his report on the Medicaid Program for this meeting. He provided Board members with a report of the progress Molina Healthcare is making on the corrective action plan related to improving the accuracy and timeliness of Medicaid claims processing. Molina is making progress in the processing of new claims as well as progress in processing the claims backlog. Concerning recoupment of interim payments made to providers last fall, we have collected approximately \$80 million and still have approximately \$31.6 million to collect. We are still working with Molina to determine what the Department should actually pay them for their performance, since the performance does not warrant full payment.

Deputy Director Schultz also provided Board members with a copy of the Division of Medicaid's work plan outlining the specific work initiatives being undertaken to comply with HB 260 as well as address certification requirements for the new MMIS system and other budget issues.

SUPPORT SERVICES REPORT

Dave Taylor provided a report of the FY 2011 3rd quarter budget review. He also reviewed the legislative intent language that accompanied the Department's appropriation

for FY 2012. The intent language includes new reporting requirements related to implementation of HB 260 and Medicaid Program Integrity Collections. The intent language also directs the Department to complete an actuarial analysis for Medicaid managed care for all Medicaid plans by population, sub group, and region before November 1, 2011. The actuarial information report along with the Department's recommendations for the next steps in implementing managed care in Idaho will be delivered to the Joint Finance Appropriations Committee during the 2012 Legislative Session.

Deputy Director Taylor also reported that the Department's number of authorized full-time employees has been reduced from 3100.41 in SFY 2011 to 2852.97 for SFY 2012. The variance represents positions the Department does not have the funds to fill, so our authority has been reduced. The Department was one of two agencies that had their FTE authority reduced in the last legislative session.

Also, by maximizing federal funds and holding some positions open, the Department was able to set aside \$1.3 million in one-time funds to upgrade and/or replace aging IT equipment to improve the Department's infrastructure. We were also able to purchase 900 refurbished PCs at \$120 each to replace individual workers' PCs, some of which are 8 years old. These investments will greatly improve our IT infrastructure and ability to continue to efficiently perform our work.

DIRECTOR'S REPORT

Director Armstrong started his report by referencing the work of the 2007 Governor's Select Committee on Health Care. The Select Committee published a report in January 2008 that contains several findings. One of the main findings was that Idaho's health care system was unsustainable. Since then, the discussions have changed with the Patient Protection and Affordable Care Act (PPACA). In 2010, the Governor created, by Executive Order, the Idaho Health Care Council, that continues to work toward solutions to Idaho's health care issues.

The Department is in a difficult position concerning health care reform. The Medicaid Program must be ready for health care provisions in early 2013. At this point, we must be ready to interface with the health insurance exchange. If Idaho does not have its own exchange operating by January 2013, the federal government will impose an exchange on the state. Either way, Medicaid must be ready to interface with whatever exchange is operable in Idaho.

One dilemma we have is that our eligibility System, IBES, must be developed to move to the next level, but there are no state funds appropriated for us to complete that work. The federal funds we could leverage for system development are attached to PPACA, so we must figure out a way to have the Medicaid program ready for health care reform requirements without implementing federal health care reform. If we aren't ready, we could be sanctioned.

There are also implications to the Idaho insurance market if we allow the federal government to impose a health insurance exchange on the state. A design imposed by the federal government will favor big insurance companies and will not favor local networks. The Idaho marketplace would suffer and the federal government would be controlling the exchange in our state, including the Medicaid interface with the exchange.

Another challenge we have is that PPACA was an Omnibus bill, so funding for many ongoing public health programs such as WIC and smoking cessation are attached to the bill. The Department has had to seek waivers from the Governor to be able to access the federal funding needed to maintain these public health programs.

Concerning the health insurance exchange itself, Idaho faces another challenge in defining an electronic insurance marketplace. We need to develop an educational packet and begin working with legislators to get some of the misunderstandings cleared.

Director Armstrong also gave an explanation of how the insurance marketplace would work. In its purest form, the marketplace is about how someone can make educated decisions about purchasing health insurance. Adding the subsidy component, Medicaid, makes the whole system more complicated.

At this time, the Department is in the process of planning how best to proceed. The Director and Stephen Weeg both serve on the Idaho Health Care Council.

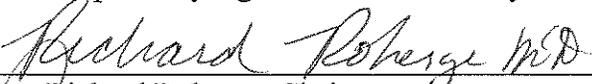
The Director ended his report by stating that, despite all of the adversity facing the Department, he is amazed at how well the Department continues to perform in so many areas. He stated that he does worry, however, at the toll the stress is taking on Department staff who keep doing more and more.

ADJOURNMENT

Before adjourning, Board members congratulated Dick Schultz on his upcoming retirement.

The next meeting of the Board of Health and Welfare is scheduled to be held August 2, 2011. There being no further business to come before the Board, Chairman Roberge adjourned the meeting at 12:15 pm.

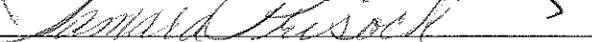
Respectfully signed and submitted by:



Richard Roberge, Chairman



Richard M. Armstrong, Secretary



Tamara Prisock, Administrative Services Manager