

**IDAHO BOARD OF HEALTH AND WELFARE
MINUTES
February 18, 2016**

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
Tom Stroschein, Vice-Chair
Richard Armstrong, Secretary
James Giuffré
Wendy Jaquet
Senator Lee Heider

STAFF PRESENT

Russ Barron, Deputy Director, Family and Welfare Services
Denise Chuckovich, Deputy Director, Behavioral Health, Medicaid, and Public Health Services
David N. Taylor, Deputy Director, Support Services
Paul Spannkebel, Division Administrator, Operational Services
Traci Berreth, Bureau Chief, Public Health
Niki Forbing-Orr, Public Information Officer
Tauscha Huerta, Administrative Assistant to the Board
Heidi Graham, Civil Rights Manager, Support Services
Dieuwke Dizney-Spencer, Deputy Administrator, Public Health

OTHERS PRESENT

Nicole McKay, Lead Deputy Attorney General
Sara Stover, Division of Financial Management
Angelica Cobley, BSU Student
Jennica Grover, BSU Student
Sarah Hill, BSU Student

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 8:00 a.m. Thursday, February 18, 2016, at the Pete T. Cenarrusa Bldg., 450 W. State Street, Boise, Idaho.

ROLL CALL

Chairman Kerby called the roll. Roll call showed **four (4)** members present. With **four (4)** voting members present, Chairman Kerby declared a quorum. Absent and excused were Dr. Richard Roberge, Stephen Weeg, and Janet Penfold.

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 NOVEMBER 19, 2015

Motion: **Tom Stroschein** moved that the minutes of the November 19, 2015, Board meeting be adopted as prepared.

Second: **James Giuffré**

Roll Call Vote:

Ayes: **Jaquet, Kerby, Stroschein, Giuffré**

Nays: **None**

Motion Carried

COMMENTS FROM BOARD MEMBERS

None

PUBLIC HEALTH ACCREDITATION

- Traci Berreth, Bureau Chief, Division of Public Health presented an update on the status of Idaho Public Health Accreditation. The division is currently in the documentation selection and submission phase.
- Ms. Berreth stated the division is reviewing documentation that demonstrates their ability to meet accreditation requirements. The deadline for this phase is August 8, 2016.
- The division hopes to have the Public Health Accreditation Board (PHAB) site visit in December 2016. The goal for accreditation completion is January 1, 2017.

PROPOSED OFFICE OF SUICIDE PREVENTION UPDATE

- Dieuwke Dizney-Spencer, Deputy Administrator, Division of Public Health presented an update on the proposed Office of Suicide Prevention. During the 2015 legislative session, Senate Concurrent Resolution 104 charged the Health Quality Planning Commission (HQPC) with preparing an implementation plan for a comprehensive suicide prevention program, such as the Idaho Suicide Prevention Plan (Idaho Suicide Prevention Council, 2011).

- The resulting plan and budget were approved by the HQPC on December 9, 2015. The HQPC is proposing twelve strategies as the objectives of a mature and robust Suicide Prevention Program.
- The proposal for Office of Suicide Prevention is requesting four FTE positions, with an annual budget of \$971,000. The funding is not currently in the Division's budget due to late approval by HQPC. On February 16, 2015, the Joint Finance Appropriations Committee spoke in favor for the requested funding in fiscal year 2017.
- Senate Bill 1326 (Sen. Martin and Sen. Harris) adds, "... and services for the prevention of suicide" to Section 56-1003, Idaho Code, Powers and Duties of the Director.

MEDICAID/ BEHAVIORAL HEALTH/ PUBLIC HEALTH/ HEALTH POLICY INNOVATION REPORT

Division of Medicaid

- Denise Chuckovich, Deputy Director, from the Division of Medicaid, reported there was not any Medicaid-related legislation for this session. All of its presented rules passed both germane committees.
- The Division is watching both pieces of Medicaid expansion legislation, Senator Schmidt's gap expansion and Representative Chew's CHIP expansion. The Department has a concern with Representative Chew's bill due to inaccurate fiscal impact at this time. There are currently no budget concerns.
- The temporary rates for ResHab went live on February 1, 2016; thus far the Division has not received any complaints. The Division implemented a fiscal survey review to establish permanent rates.

Division of Behavioral Health

- All of the presented rules by the Division of Behavioral Health passed both germane committees.
- House Bill 373: Legend Drug Act – The legislation was passed unanimously by the House and moved to the Senate. The Division is now awaiting a committee hearing. The legislation adds the Department Regional Mental Health Clinics to the list of "charitable donations", thus allowing receipt of donated medication. The Department saves approximately \$1.5 million annually by safely utilizing donated medication that remains under secure storage.
- It is expected that JFAC will recommend appropriation for a third crisis center this legislative session. The center is likely to be located in the southwest hub, Boise or Twin Falls areas.
- The Division is developing an implementation plan for the Jeff D. lawsuit, resulting from the settlement agreement.
- The Division is currently working with the Division of Public Health on a suicide prevention program. Recommendation of funding from the HPQC of just over \$900,000 is being considered to support the effort.

Division of Public Health

- All of the presented rules by the Division of Public Health passed both germane committees.

- Senate Bill 1281: Emergency Medical Services Act - On February 9th, the routing slip was approved and referred to Senate Judiciary and Rules Committee for printing. The legislation adds to existing law to enact the EMS personnel Licensure Interstate Compact.
- House Bill 499: Food Safety Modernization Act - The Northwest Food Processors Association (NWFPA) is working on a bill to move the authority for inspection of manufactured food establishments to the Department of Agriculture. The legislation states, “The Idaho state Department of Agriculture shall be delegated state authority of any nonretail activities subject to the United States food and drug administration food safety modernization act.” The Department will work with the Department of Agriculture to draft rules to ensure the Department still has suitable authority to address health concerns.
- The Division is currently working with Family and Community Services (FACS) and Representative Malek to create legislation to address surrogacy. Representative Luker is also drafting his own legislation. FACS is involved to ensure the protection of children and address issues related to when surrogacy crosses into the jurisdiction of adoptions (when intended parents are not biologically related to the child).
- The Expanded Access Program reported there are currently eight children receiving the medication, Epidiolex, and two other children are in queue. There are several other children in the pre-screening process to determine eligibility. It was recently reported by a news station, that Epidiolex appears to be working for one of the children. We do not have any other confirmed stories from the seven other families.

Office of Health Policy Innovation

The following contracts are in operation:

- Project management and financial analysis for the Statewide Healthcare Innovation Plan (SHIP) implementation – **Mercer**
- Technical assistance to transform primary care practices across the state into Patient-Centered Medical Homes (PCMH) – **Briljent**
- Develop regional health collaboratives to support the integration of each PCMH with the broader medical and health neighborhood – **Idaho’s seven Public Health Districts**
- Build a statewide data analytics system that tracks progress on selected quality measures – **Healthtech Solutions**
- Improve rural patient access to PCMHs by developing virtual PCMHs – Community Health Emergency Services (CHEMS) Measures Workgroup - **Ada County Paramedics and Bracke & Associates**
- The non-competing continuation application was approved by Center for Medicare and Medicaid Innovation (CMMI) and Office of Acquisition and Grants Management (OAGM) for Year 2 grant funding for SHIP in the amount of \$9,659,215.

In addition, several contracts are in process including an in-state evaluator, electronic care coordination through the use of EHRs and health data connections among PCMHs.

Other SHIP Activities

- Over 100 applications for Primary Care Practice Providers were received and processed for application into SHIP. An internal review panel selected 55 practice locations from

across the state for the first SHIP cohort. Learning collaboratives are scheduled for the end of February and early March for Cohort 1 Clinics and Public Health District Staff.

- CMMI requires a SHIP operational plan for each model test year. The Office of Healthcare Policy Initiatives submitted a comprehensive plan to CMMI on December 1. Since then, Idaho's CMMI Project Officer has requested permission to share components of Idaho's model as potential best practices to other states.
- Effective February 1, 2016, Idaho Medicaid restructured the Healthy Connections and Health Home Programs to incentivize primary care providers to transform their clinics into PCMHs and to align with the SHIP goals.

WELFARE/ FAMILY AND COMMUNITY SERVICES REPORT

Welfare

- Russ Barron, Deputy Director, reported that all of the presented rules by the Division of Welfare passed both germane committees.
- The Live Better Initiative launched a website, livebetteridaho.org. The website was designed not only to provide information and access to Department programs, but will also educate individuals about the available resources, tools, guides, and connections within the state of Idaho.
- Mr. Barron reported on the Health Exchange open enrollment, which ran November 1, 2015, through January 31, 2016. All advance premium tax credit (APTC) applications for Your Health Idaho were processed by Department of Health and Welfare (DHW). DHW processed almost 100,000 renewals for APTC. There were 46,000 applications submitted for health coverage assistance, of the 46,000 applications; 22,000 were eligible for the tax credit to purchase health insurance on the Exchange.
- In 2015, the Department processed over 84,000 changes for individuals who received APTC.
- The Division is assessing the best practices for open enrollment and prioritizing improvements for next year.
- Legislation was passed in 2014 for implementation of staggered issuance of Supplemental Nutrition Assistance Program (SNAP) benefits over the first ten days of the month, set to take effect July 1, 2016. The Division currently holds stakeholder planning meetings, which include community partners (food banks, pantries, hunger relief organizations), as well as vendors and retailers across the valley; in an effort to plan for and mitigate as many impacts on consumers as possible.
- Individuals utilizing SNAP benefits have continued to decline. The Department went from 235,000 participants in 2012 to about 193,000 participants today. This is attributed to a stronger job market, as well as improved employment and training efforts.

Family and Community Services (FACS)

- Senate Bill 1253: Relating to Child Protection – The bill provides for immunity from liability for foster parents in the application of the reasonable and prudent parent standard. A hearing is scheduled to present the bill.
- All of the rules presented by the Division of Family and Community Services passed both of the germane committees.

- The Department has sole authority over foster child adoption placement. There is a specific process, involving Department staff, guardian ad litem and other professionals involved with the case, which is followed in order to arrive at the ultimate placement decision. The longer a case takes to reach the final placement decision, the more complicated it may become.
 - The process involves first looking at the child's long term needs, and then their needs if they belong to a sibling group. Along with this, the Child Protective Act requires that the department consider placement options in the following order:
 1. a fit and willing relative
 2. a fit and willing non-relative with a significant relationship with the child
 3. foster parents and other persons licensed to provide care
 - After parental rights are terminated, the adoption placement or the pre-adoptive family is ultimately presented to the court for adoption finalization.
- There are some that oppose this authority. Therefore, it is expected that legislation will be presented in an attempt to increase court oversight of the adoption placement decision, or move the authority from the Department to the courts entirely. It may also attempt to mandate the court to approve more placement decisions. Lastly, there may be an OPE study and an interim committee proposal, both of which we would welcome.

SUPPORT SERVICES/ LICENSING & CERTIFICATION REPORT

Support Services

- Dave Taylor, Deputy Director of Support Services, reported on the overall results and trends from an October 2015 department wide employee survey. A summary of the survey results were provided to the board members.
- A one-page worksheet of the Department's 2nd quarter review was reviewed and discussed with the Board.
- The Board was provided the dates for the Joint Finance Appropriations Committee (JFAC) budget setting sequence for fiscal year 2017.

Legislation and Rule Update

- Docket no. 0319-1502, Rules for Governing Certified Family Homes, proposed a \$25 increase to the initial application fee, and a \$5 increase on the reoccurring monthly fee. This rule passed the House, but did not pass the Senate. There is no concurrent resolution. The funding shortfall is to be considered by JFAC.
- Senate Bill 1295: Civil Monetary Penalties – The purpose of this statute change is to reduce the minimum Civil Monetary Penalty (CMP) rate for each item or service improperly claimed from 25% to 10% and requires the Department to promulgate rules clarifying the methodology used when computing and assessing a CMP..
- Senate Bill 1296: Relating to Background Checks – The Department of Health and Welfare is charged with conducting background checks on individuals who provide care or services to vulnerable adults or children and are identified in rule as being required to have a criminal history and background check. Idaho Code 56-1004A, Criminal History and Background Checks, codifies this mandate. Section 11 of the statute makes reference to a lapsed federal subsidy for this program. The purpose of this bill is to remove reference to this outdated section of the Code..

Licensing & Certification

- Periodically, healthcare facilities undergo an inspection survey to ensure Idahoans receive safe, high quality care. There is concern regarding the Department's reported number of overdue surveys and complaint investigations.
- Mr. Taylor and Tamara Prisock, Division Administrator, Licensing and Certification, are developing a plan to reduce the number of overdue surveys and complaint investigations.
- The Director's office has contracted with an outside consultant to provide input, guidance, and assistance in addressing the concerns from the provider community.

DIRECTOR'S REPORT

- Richard Armstrong, Director, Department of Health and Welfare, presented an update on the Primary Care Access Program (PCAP) proposal for legislative session 2016.
 - Presently, there are approximately 78,000 Idahoans earning 100% or less of the federal poverty level and unable to obtain health insurance due to cost. Of the 78,000 uninsured individuals, 33 percent are reported to have two or more chronic diseases for which they are financially unable to seek medical treatment. The option of care coordination by way of PCAP allows direct influence of disease progression and cost escalation using private sector partners.
- Representative Wood proposed the transfer of funds from the Millennium Fund as an effort to PCAP.
- The proposal is still awaiting funding approval.

ADJOURNMENT

The next meeting of the Idaho Board of Health and Welfare is scheduled to be held May 19, 2016. There being no further business to come before the Board, Chairman Kerby adjourned the meeting at 12:05 p.m.

Respectfully signed and submitted by:

Darrell Kerby, Chairman

Richard M. Armstrong, Secretary

Tauscha Huerta, Administrative Assistant