

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Monday, August 13, 2007 – 9:00 a.m. – Room W135 House Building

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Ben C. Ferry, House Chair
Sen. Mike Dmitrich
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Sen. Ed Mayne
Rep. James R. Gowans

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Stephenson called the meeting to order at 9:19 a.m.

MOTION: Rep. Newbold moved to approve the minutes of the July 26, 2007 meeting. The motion passed unanimously.

2. Update: Issues Related to Student Eligibility to Participate in Extracurricular Activities

Mr. Paul Mero, President, Sutherland Institute, commented on the relationship between the UHSAA (Utah High School Activities Association) and the state, and presented several recommendations to improve students' opportunities to participate in extracurricular activities.

Mr. Hunsaker gave a brief overview of athletic associations in other states.

Dr. Larry Shumway, Deputy Superintendent, USOE (Utah State Office of Education), discussed the UHSAA's administration of tournaments and activities at the regional and state levels.

Ms. Carol Lear, Director, School Law and Legislation, USOE, said that the State School Board defers to the UHSAA regarding activities designated in UHSAA bylaws but that the State School Board does provide input because there is board membership on the UHSAA's Board of Trustees and Executive Committee.

Mr. Mark Van Wagoner, Legal Counsel, UHSAA, reported that charter, private and home school students who are not enrolled in a member school will be eligible to participate in sports at their home school by the end of August 2007, and responded to questions from the Committee.

Ms. Teresa Theurer, Trustee, UHSAA, and Member, State Board of Education, said that both organizations are seeking equitable solutions for all students.

3. R501-2 Core Rules, and R501-14 Background Screening – Bulletin, August 1, 2007

Mr. Hunsaker introduced the issue and referred to "62A-4a-201. Rights of parents – Children's rights – Interest and responsibility of state." (Page 17 of the mailing packet).

Ms. Shelly Teuscher, representing Cross Creek Programs, discussed how the proposed rules conflict with current statute.

Mr. Karr Farnsworth, Administrator, Cross Creek Programs, said that some of the rules seem overly restrictive.

Shane Sorenson, Sorenson's Ranch, expressed concern with student housing requirements.

Mr. Randy Huntington, Wasatch Mental Health, discussed concerns with the direct care staff requirements in programs for vulnerable adults and people with disabilities.

Mr. Kelly Kendall, Executive Program Director, Diamond Ranch Academy, stated that some changes would be required in the Academy's housing arrangements, but it can be worked out to comply with the new rules.

Mr. Ken Stettler, Director, Office of Licensing, Department of Human Services, gave an overview of the licensing of human services programs and reported that there are nearly 900 treatment programs licensed within the state. Mr. Stettler addressed the need to revise the rules and referred to "62A-4a-201. Rights of Parents – Children's rights – Interest and responsibility of State." as contained in the mailing packet, commenting that the section applies specifically to DCFS (the Division of Child and Family Services) and not to the Office of Licensing.

Ms. Debra Kurzban, Children's Justice, Assistant Attorney General, agreed that the DCFS statute cited by Mr. Stettler does not apply beyond DCFS.

MOTION: Rep. Ferry moved that the Chairs send a letter to the Government Operations Interim Committee requesting that it review the issues raised in this meeting, including the Office of Licensing's requirements and restrictions on private businesses. The motion passed unanimously with Sen. Dmitrich and Rep. Holdaway being absent for the vote.

4. Recodification of Title 63 (Including Chapter 46a, Utah Administrative Rulemaking Act)

This item was not discussed.

5. R414-60B Preferred Drug List (Change in Proposed Rule to be Published August 15)

Mr. Hunsaker introduced the issue and referred to "Notice of Proposed Rule Amendment" as contained in the mailing packet.

Mr. Blaine Goff, Division of Healthcare Finance, and Mr. Doug Springmeyer, Assistant Attorney General, responded to questions from the Committee.

6. Committee Business

Future meetings were scheduled for September 4, 2007 at 9a.m. and September 25, 2007 at 9 a.m.

7. Adjourn

Chair Stephenson adjourned the meeting at 12:33 p.m.