

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**  
Wednesday, September 19, 2007 – 9:00 a.m. – Room 020 House Building

**Members Present:**

Sen. D. Chris Buttars, Senate Chair  
Rep. Paul Ray, House Chair  
Sen. Allen M. Christensen  
Sen. Jon J. Greiner  
Sen. Scott D. McCoy  
Rep. John Dougall  
Rep. Jack R. Draxler  
Rep. Julie Fisher  
Rep. David Litvack  
Rep. Rosalind J. McGee

Rep. Ronda Rudd Menlove  
Rep. Phil Riesen  
Rep. Stephen E. Sandstrom

**Members Absent:**

Rep. Wayne A. Harper

**Staff Present:**

Mr. Mark D. Andrews, Policy Analyst  
Ms. Catherine J. Dupont, Associate General Counsel  
Mr. Thomas R. Vaughn, Associate General Counsel  
Ms. Joy L. Miller, 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](http://www.le.utah.gov).

**1. Committee Business**

Chair Ray called the meeting to order at 9:10 a.m. Rep. Harper was excused from the meeting.

**MOTION:** Sen. Christensen moved to approve the minutes of the July 18, 2007 meeting. The motion passed unanimously. Sen. Buttars, Rep. Dougall, Rep. Fisher, Rep. Litvack, and Rep. Menlove were absent for the vote.

**2. Implementation of the Adam Walsh Child Protection and Safety Act of 2006**

Ms. Lisa-Michele Church, Executive Director, DHS (Department of Human Services), explained what DHS is doing to comply with the Adam Walsh Act. She noted that although placement of children in the custody of the state with relatives is preferred, it is not quick due to the background checks required by the Act. She discussed what the state has done to speed up the process and explained what would likely occur if the state were not to comply with the requirement.

Mr. Duane Betournay, Director, DCFS (Division of Child and Family Services), indicated the most time consuming part of doing a background check is checking, under certain conditions, with every other state in which a potential placement relative has lived.

Mr. Vaughn distributed "DCFS Talking Points on Kinship Placement Issues" and a copy of an email from Cosette Mills, "Adam Walsh Impact." Mr. Vaughn discussed the mixed signals coming from the federal government on the implementation of the Act and indicated that whether or not a child can be placed with a relative without a background check is not clear. He pointed out that funding and child safety are issues related to the implementation of the Act.

**MOTION:** Rep. Litvack moved that the Committee draft a letter to the Child Welfare Legislative Oversight Panel requesting that the Panel study the issue of kin placement and what can be done to increase it, and that the Panel report to the Committee on the issue in November. The motion passed unanimously. Rep. Dougall was absent for the vote.

### **3. Health Insurance Reform**

Mr. Luke McDermott, President, Utah Association of Health Underwriters, emphasized that Utah is a guaranteed issue state, identified principles that the Association believes should govern health care reform, and listed several approaches to improving the health care system. Mr. McDermott distributed "Health Care Options Matrix" and a related document.

### **4. Control and Prevention of Sexually Transmitted Diseases**

Rep. Riesen briefly discussed 2008 General Session draft legislation, "Control and Prevention of Sexually Transmitted Diseases." He commented that Utah has some of the highest rates of chlamydia and gonorrhea in the United States. He noted that most of the men and women affected with the diseases are unaware they are infected.

Dr. David Sundwall, Director, UDOH (Utah Department of Health), indicated the bill would give important funding to provide information to the public regarding these diseases. He noted that it costs approximately \$250,000 to do an effective statewide public information campaign. The balance of the \$350,000 appropriated by the bill would go to local health departments.

Ms. Teresa Garrett, UDOH, stated that UDOH receives about \$440,000 per year from the federal Centers for Disease Control and Prevention for sexually transmitted diseases control efforts. Some of that money is required to go to community-based partners. Fifty percent goes to local health departments. The bulk of the funding pays for chlamydia and gonorrhea testing.

**MOTION:** Sen. McCoy moved to adopt 2008 General Session draft legislation, "Control and Prevention of Sexually Transmitted Diseases" as a committee bill. The motion passed with Rep. Sandstrom voting in opposition. Rep. Dougall was absent for the vote.

### **5. Insurance Coverage for Prosthetics**

Ms. Tami Stanley, Amputee Coalition of America, distributed a packet of information on prosthetics and insurance coverage. She explained that when an individual discovers that prosthetic care is not covered by insurance, the individual may have to resort to using retirement or college savings or refinancing a home to purchase a prosthesis. She stated that amputees deserve to get coverage for the care they need. She stressed the need for prosthetic parity legislation.

Dr. Joseph Webster, physician at the University of Utah and the Veterans Administration Hospital, explained that there is a huge difference in coverage of prosthetic devices by the Veterans Administration or Medicare and the private insurance sector.

Mr. Joe Mahon, certified prosthetist, said the cost of a basic limb is \$6,000 to \$8,000 and that more complex limbs cost \$50,000 to \$60,000 dollars.

Rep. Litvack indicated that he is hopeful to have legislation on this issue for the Committee to consider before the next session of the Legislature.

## **6. Smoking with a Young Child in a Motor Vehicle**

Sen. McCoy explained 2008 General Session draft legislation, "Smoking Ban in Motor Vehicle," that he is sponsoring. He said that the bill prohibits a person from smoking in a vehicle if a child that is less than five years of age is restrained or is required to be restrained in a child restraint device in the vehicle. The bill also provides for a fine and a possible suspension of the fine if the individual enrolls in a smoking cessation program.

Mr. Michael Siler, American Cancer Society, distributed "Secondhand Smoke is a Dangerous Poison that Causes Serious Diseases and Medical Conditions, Particularly in Children." He stated that children who are exposed to secondhand smoke are inhaling many of the same cancer-causing substances and poisons as smokers. He outlined other dangers to children from secondhand smoke.

Ms. Gayle Ruzicka, Utah Eagle Forum, wondered whether violation of the provisions of the bill could lead to involvement with DCFS.

Dr. Lucy Hansen, pediatric resident at Primary Children's Medical Center, noted that the health effects of smoking are multiplied in a vehicle because the occupants are exposed to increased concentrations of cigarette smoke. She stressed the need to make every effort possible to minimize damage to the lungs.

**MOTION:** Rep. Riesen moved to adopt 2008 General Session draft legislation, "Smoking Ban in Motor Vehicle" as a committee bill. The motion passed with Rep. Sandstrom voting in opposition. Rep. Dougall was absent for the vote. Sen. Buttars explained that he supports the bill at this time but is concerned with where it will lead.

## **7. Telehealth**

Rep. Brad Last distributed 2008 General Session draft legislation, "Medicaid Coverage for Certain Telehealth Services." He described the telemonitoring devices used by home health care providers. He explained that the bill requires the state Medicaid program to allow the use of telemedicine for certain services that are otherwise reimbursable under the state Medicaid plan.

Mr. Steve Love, Love Health Care, said that his company has used telemonitoring to monitor thousands of people in Utah. He explained how the telemonitoring device works and what it monitors. He stressed that home health care operates only under doctors' orders.

Dr. Sundwall indicated that a doctor cannot prescribe a schedule II narcotic to a telemonitored patient without seeing the patient.

Mr. Michael Hales, Division of Health Care Financing, said he has been working closely with Rep. Last on this legislation. He indicated that it would be possible to change Medicaid policy to allow use of telemonitoring without increasing the reimbursement paid for services.

**MOTION:** Rep. Menlove moved to adopt 2008 General Session draft legislation, "Medicaid Coverage for Certain Telehealth Services," as a committee bill. The motion passed unanimously. Rep. Dougall was absent for the vote.

## **8. Cancer Prevention**

Chair Ray distributed 2008 General Session draft legislation, "Cancer Screening and Mortality Reduction Program." He noted that the bill expands the UDOH's breast cancer mortality reduction program to include other cancers and provides additional funding to the program.

Mr. Siler distributed "Cancer Screening Facts" to the Committee. He noted that state-funded programs to provide free cancer screenings increase the number of persons screened, improve early detection of cancer, increase cure rates, and decrease health care costs, many of which are paid for by state and charity care programs.

Sen. Greiner requested that numbers be provided to the Committee on the costs of screening for different cancers. He said that screening for prostate cancer should also be included in the bill. Chair Ray indicated that he is looking at adding prostate screening to the bill during the session.

Mr. Kermit Hyde, Treasurer for the National Alliance for State Prostate Cancer Coalitions, pointed out that Utah has the fifth highest incidence of prostate cancer in the United States and that prostate cancer is the second leading cause of cancer deaths among men in Utah.

Ms. Iris Tully, American Cancer Society volunteer, stated she is currently in her second round with breast cancer. She spoke about the cost of chemotherapy, expressed concern for those who cannot afford preventive screenings or healthcare, and asked that cancer issues not be placed on the back burner.

Dr. Sundwall expressed his support for the intent of the legislation and indicated that increased funding for screening will be included in his budget request to the governor.

Rep. Dougall expressed concern the bill would be funded by increasing the tax burden on families.

Ms. Kathryn Rowley, UDOH, explained that colonoscopies can save hundreds of thousands of dollars by detecting cancer before it starts.

**MOTION:** Sen. McCoy moved to adopt "Cancer Screening and Mortality Reduction Program" as a committee bill. The motion passed with Rep. Dougall voting in opposition. Sen. Christensen and Rep. Draxler were absent for the vote.

**MOTION:** Sen. McCoy moved to adjourn. The motion passed unanimously.

Chair Ray adjourned the meeting at 12:05 p.m.