

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**  
Wednesday, September 17, 2008 – 2:00 p.m. – Room C250, State Capitol

**Members Present:**

Sen. D. Chris Buttars, Senate Chair  
Rep. Paul Ray, House Chair  
Sen. Allen M. Christensen  
Sen. Jon J. Greiner  
Rep. John Dougall  
Rep. Jack R. Draxler  
Rep. Julie Fisher  
Rep. David Litvack  
Rep. Rosalind J. McGee  
Rep. Merlynn T. Newbold  
Rep. Phil Riesen  
Rep. Stephen E. Sandstrom

**Members Absent:**

Sen. Scott D. McCoy  
Rep. Wayne A. Harper

**Staff Present:**

Mr. Mark D. Andrews, Policy Analyst  
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 Buttars called the meeting to order at 2:45 p.m.

**MOTION:** Sen. Greiner moved to approve the minutes of the June 18 and August 20, 2008 meetings. The motion passed unanimously. Rep. Dougall, Rep. Fisher, Rep. Newbold, and Rep. Sandstrom were absent for the vote.

**2. National Electronic Disease Surveillance System (NEDSS)**

Ms. Teresa Garrett, Director, Epidemiology and Laboratory Services, Utah Department of Health (UDOH), discussed the need for an instantaneous, statewide public health electronic surveillance system. She distributed a copy of her presentation "Electronic Disease Surveillance and the 2007 Cryptosporidiosis Outbreak." She noted the importance of reducing the time it takes for lab results to be reported to the Department so that the Department can respond more quickly to outbreaks. She said that labs currently have the capacity to send results to the Department but the Department does not have the capacity to receive those messages.

Dr. David N. Sundwall, Executive Director, UDOH, said that the quicker information can be distributed then the quicker a disease outbreak can be addressed, which would then lower the morbidity rate. He stated that the U.S. Centers for Disease Control and Prevention would like to see NEDSS implemented in every state. The Department is piloting NEDSS in three counties and will conduct a statewide pilot in November.

**3. Treatment of Mentally Ill Offenders**

Rep. Draxler spoke concerning the growing number of mentally ill people in the criminal and juvenile justice system. He noted that one solution is to apply the drug court model to mentally ill offenders.

Mr. Wallace Odd, President, NAMI Utah--Cache Valley, described the cases of several people with mental illness. He also described generally how people with mental illness fare in the criminal justice system. He said that money to deal with mentally ill offenders is being spent in the wrong places.

Mr. Mark Payne, Director, Division of Substance Abuse and Mental Health, Department of Human Services, distributed two handouts, "Mentally Ill Offender Initiative" and "People with Mental Illness in the Criminal Justice System: Fiscal Implications." He discussed mental health courts and the importance of getting people to the right place. He stressed the need to look at coordinated ways of doing business.

Mr. Sim Gill, Salt Lake County prosecutor, stated that the mental health court in Salt Lake County has been running for seven years and the data for those years are very promising. He summarized the impacts of the mental health court. He said that Utah is leading the nation in this approach to mentally ill offenders. He explained the relationship in Salt Lake County between the mental health court and the Drug Offender Reform Act.

#### **4. Utah Sudden Cardiac Arrest Survival Act**

Rep. Carl Wimmer discussed 2009 General Session draft legislation, "Utah Sudden Cardiac Arrest Survival Act," which was included in the supplemental mailing packet. He explained that the bill eliminates the training requirement for using an automatic external defibrillator (AED) and amends civil liability immunity provisions when using AEDs. He distributed a newspaper article *Paul Rolly: Teacher saves a life in Delta*, which details how an AED was used to save the life of an elderly man.

Fire Chief Chris Evans, South Jordan Fire Department, gave a demonstration of an AED, a device which walks the user step by step through the process. He stated the cost per device is approximately \$1,000.

Dr. Sundwall expressed support for the bill.

**MOTION:** Rep. Dougall moved to adopt 2009 General Session draft legislation, "Utah Sudden Cardiac Arrest Survival Act" as a committee bill. The motion passed unanimously. Sen. Christensen, Rep. Fisher, Rep. Litvack, and Rep. Riesen were absent for the vote.

#### **5. Medigap Marketing Policies**

Ms. Suzette Green-Wright, Director, Division of Health Insurance, Utah Insurance Department, explained that some persons who have cancelled a Medigap insurance policy provided by a foreign insurer to enroll in a Medicare Advantage plan have not received a refund from the insurer for a portion of the premium already paid. She indicated that Utah is one of the states that are silent in statute as to whether or not an unearned premium should be returned when an insurance policy is cancelled.

Rep. Ray stated he would be sponsoring legislation to address the problem and that it would be brought before the Committee to discuss at the next meeting.

#### **6. Preferred Drug List**

Mr. Michael Hales, Director, Division of Health Care Financing, Utah Department of Health, distributed a copy of his presentation "Medicaid's Preferred Drug List (PDL)." He reviewed the drug classes that have been included on the Medicaid PDL and pointed out that General Fund PDL savings for FY 2008 were over \$500,000. FY 2009 General Fund savings are expected to be over \$1,000,000. He discussed the impact of the PDL on the market shares of PDL and non-PDL drugs. He noted that if a prior authorization requirement was added to the PDL and providers prescribed PDL drugs 90 percent of the

time as they do under private health care plans that use a PDL and prior authorization, General Fund savings would at least double. He reported that the division has not noticed any change in hospitalization rates that would appear related to implementation of the PDL. Mr. Hales indicated that he will continue to work with the Utah Medical Association to educate doctors who most frequently override the PDL.

Ms. Karen Gunny, Associate Professor, University of Utah College of Pharmacy and cochair of the Pharmacy and Therapeutics Committee, explained criteria the Pharmacy and Therapeutics Committee uses when considering whether a drug class or specific drugs within a drug class should be included on the PDL. She encouraged a further definition of the use of the word "psychotropic."

#### **7. Health System Reform Task Force**

This item was not discussed.

#### **8. Emergency Medical Services**

This item was not discussed.

#### **9. Other Business / Adjourn**

**MOTION:** Rep. Litvack moved to adjourn. The motion passed unanimously.

Chair Buttars adjourned the meeting at 4:30 p.m.