

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, November 19, 2008 – 2:00 p.m. – Room C250, State Capitol

Members Present:

Rep. Paul Ray, House Chair
Sen. D. Chris Buttars, Senate Chair
Sen. Allen M. Christensen
Sen. Jon J. Greiner
Sen. Scott D. McCoy
Rep. Jack R. Draxler
Rep. Julie Fisher
Rep. Wayne A. Harper
Rep. David Litvack
Rep. Rosalind J. McGee
Rep. Merlynn T. Newbold
Rep. Stephen E. Sandstrom

Members Absent:

Rep. John Dougall
Rep. Phil Riesen

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Cathy 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.

1. Committee Business

Chair Ray called the meeting to order at 2:30 p.m.

MOTION: Sen. McCoy moved to approve the minutes of the October 15, 2008 meeting. The motion passed unanimously. Sen. Buttars, Sen. Greiner, and Rep. Newbold were absent for the vote.

2. Determination of Criminal Conduct

Mr. Vaughn distributed and reviewed 2009 General Session draft legislation, "Amendments to Agency Rulemaking Regarding Criminal Penalties" and a summary of information from the Administrative Rules Review Committee, which has approved the legislation but is seeking input regarding any amendments that should be made to those portions of the bill that are in the Committee's area of oversight.

MOTION: Sen. McCoy moved to go to the next item on the agenda. The motion passed unanimously. Sen. Buttars, Sen. Greiner, and Rep. Newbold were absent for the vote.

3. Expedited Partner Therapy

Rep. Jennifer M. Seelig distributed several handouts on sexually transmitted diseases. She explained that 2009 General Session draft legislation, "Expedited Partner Therapy Treatment" would allow a medical practitioner to write an antibiotic prescription for the sex partner of the practitioner's patient without seeing the partner. The prescription would be limited to treatment of chlamydia or gonorrhea.

Ms. Teresa Garrett, Department of Health, stated that Dr. David N. Sundwall, executive director, Department of Health, supports the bill and believes that it is a very important public health tool in controlling a disease that has dire consequences, including infertility.

Mr. David Davis, Utah Food Industry Association and Utah Retail Merchants Association, stated these organizations are supportive of the bill in its current form. He explained that the bill refers to a single

dose of antibiotic. He noted that side effects are fairly limited compared to other available drugs.

Dr. John Kriesel, Infectious Disease Specialist, University of Utah, and attending physician at the Salt Lake County sexually transmitted diseases clinic, stated that 80 to 90 percent of the cases that would be treated under the expedited partner therapy legislation would be for chlamydia and that most of those would be treated with Zythromycin because it is convenient and nontoxic. He stated that treatment using expedited partner therapy will very likely have little effect on the resistance of these organisms to Zythromycin.

Dr. Shawn Gurtcheff, Board certified Obstetrician/Gynecologist, stressed the need to protect a young person's fertility. She noted that although it cannot be predicted who will have a reaction to the medication, individuals can be educated on the signs to look for.

MOTION: Sen. McCoy moved to adopt 2009 General Session draft legislation, "Expedited Partner Therapy" with a favorable recommendation. The motion passed unanimously. Sen. Buttars and Sen. Greiner were absent for the vote.

4. Pilot Program for Family Preservation Services

Mr. Vaughn discussed the differences between 2009 General Session draft legislation, "Family Preservation Services Amendments - Option 1" and 2009 General Session draft legislation, "Family Preservation Services Amendments - Option 2." Both were included in the supplemental mailing packet.

MOTION: Rep. Harper moved to adopt as a committee bill 2009 General Session draft legislation, "Family Preservation Services Amendments - Option 2," with one amendment: strike "Option 2" from the title. The motion passed unanimously. Sen. Greiner was absent for the vote.

Rep. Harper indicated he would sponsor the bill.

5. Medical Malpractice Arbitration Agreements --- Sunset Review

Mr. Andrews explained that Utah Code Ann. Section 78B-3-421 regarding medical malpractice arbitration agreements is scheduled for repeal July 1, 2009. He reviewed options available to the Committee.

Mr. Charlie Thronson, Utah Association for Justice, said the association supports continuation of Section 78B-3-421 because it provides certain protections for patients. Chief among those protections is that a patient does not have to sign an agreement to receive medical care. He pointed out that arbitration is private and creates no costs for the state.

Mr. Elliot Williams, Williams and Hunt, indicated that those who have had the experience of resolving a malpractice claim through arbitration, rather than litigation, believe it is an advantageous process. He indicated that the position of the Utah Medical Association is that it doesn't matter whether Section 78B-3-421 is reauthorized. Either way, the existing program of arbitration will continue. However, if the statute is reauthorized, the association recommends that it be moved to Title 78B, Chapter 11, Utah Uniform Arbitration Act.

Mr. Thronson indicated that the Utah Association for Justice supports moving Section 78B-3-421 to Title 78B, Chapter 11, Utah Uniform Arbitration Act.

MOTION: Sen. McCoy moved to recommend that Utah Code Ann. Section 78B-3-421 be removed from the sunset list in the Legislative Oversight and Sunset Act and that it also be moved from Title 78B, Chapter 3, Actions and Venue, to Title 78b, Chapter 11, Utah Uniform Arbitration Act.

SUBSTITUTE MOTION: Rep. Fisher moved to recommend that Utah Code Ann. Section 78B-3-421 be reauthorized for ten years and that it also be moved from Title 78B, Chapter 3, Actions and Venue, to Title 78b, Chapter 11, Utah Uniform Arbitration Act. The motion passed with Sen. Buttars voting in opposition.

Rep. Fisher indicated she would sponsor the bill to move the section within the code.

6. A Performance Audit of Davis Behavioral Health

Ms. Maria Stahla, Office of the Legislative Auditor General, distributed and reviewed "A Performance Audit of Davis Behavioral Health." She stated the audit found that instead of generating excess revenues, the 2004 corporate restructuring of Davis Behavioral Health (DBH) cost DBH about \$850,000. She also noted DBH's IT provider relationship has caused some concerns and that implementing an integrated IT system has been difficult. She reviewed the recommendations as outlined in the audit.

Ms. Maureen Womak, Director, DBH, distributed "Status of Implementation of Recommendations to Legislative Audit Report No. 2008-06." She discussed the steps DBH has taken to address the issues raised in the audit. She indicated that DBH has made good progress in term of all recommendations.

Dr. James Mason, DBH Board, commented that past minutes of Board meetings indicate that it felt it was operating in accordance with the desires and wishes of both the state and county. He pointed out that the corporations in question have been dissolved and the Board is trying to develop financial accountability for these programs.

Mr. Bret Milburn, Davis County Commissioner, stated the commission is working with the Board to see that the recommendations are implemented. He indicated that as the local mental health authority they are looking internally and analyzing all options available to determine the best way to fulfill their oversight responsibilities.

Mr. Mark Payne, Director, Division of Substance Abuse and Mental Health, stated that in the past few years the division's audits of mental health and substance abuse programs have made the same findings that were in the legislative audit. He indicated that the division will provide the Committee with the results of its January 2009 annual audit of Davis Behavioral Health and will provide the Legislature with information on reserve funds kept by local mental health authorities.

7. Assertive Community Treatment Team Pilot Program

Rep. Carol Spackman Moss stated that the lack of treatment options for individuals with severe mental illness has negative consequences for the individual, the community, and society. She explained that

assertive community treatment teams provide comprehensive treatment for persons with serious or persistent mental illness

Ms. Sherri Wittwer, Executive Director, NAMI Utah, indicated that an assertive community treatment team pilot program would allow persons with serious and persistent mental illness who have failed to respond to other treatment to stay in their homes and communities rather than enter long-term care.

Mr. Andrew Wriggle, Public Policy Advocate, Disability Law Center, said it is hoped the pilot program will be able to serve 20-25 persons over the course of three years at a cost of \$250,000 per year in one-time money. He said that assertive community treatment teams are a forward looking approach to providing individuals the ability to remain active members of their communities both now and in the future.

8. Licensed Direct-entry Midwives --- Annual Report

Ms. Suzanne Smith, Licensed Direct-entry Midwife Board, distributed a copy of her presentation to the members. She noted that currently there are 16 licensed direct-entry midwives (LDEMs). She indicated that according to the annual report all mothers and babies delivered (or transferred in labor) by LDEMs had excellent outcomes. Ms. Smith indicated the average cost for a low risk, no complications, vaginal hospital birth is \$8,536. The average cost for a low risk, no complications, vaginal LDEM birth is \$1,892.

Ms. Michelle McOmber, Utah Medical Association, indicated that comparing LDEM deliveries with hospital deliveries is like comparing apples with oranges due to the differences in risk associated with each type of delivery.

9. Family Support Centers

Ms. Sharon Anderson, Executive Director, Family Connection Center, distributed "Crisis/Respite Nurseries in Utah 2007" and "Utah Association of Family Support Centers" to the Committee. She discussed two options for increasing funding to the centers and indicated that if funding is not increased, by 2010 centers will be turning away over 8,000 children.

Ms. Esterlee Molyneux, Child and Family Support Center, stated the mission of these centers is to strengthen families and prevent child abuse and neglect. The centers are places for parents in crisis situations to take their children.

10. Connecting People Seeking Health Care Coverage with Public Programs

This item was not discussed.

11. Local Health Department Funding

Mr. Gary Edwards, Director, Salt Lake Valley Health Department, distributed several information charts which summarize, by statute and by rule, the various responsibilities of local health departments and the sources of revenue used to meet those responsibilities. He noted that local health department funding legislation will be recommended by the Political Subdivisions Interim Committee.

12. Adoption

Mr. Vaughn distributed 2009 General Session draft legislation, "Adoption Revisions" (version 8). He reviewed the technical changes that were made to the bill after it was mailed to the Committee.

Rep. Sheryl Allen and Mr. Larry Jenkins, Utah Adoption Council, distributed "Adoption Amendments," a summary of changes proposed by the legislation. Mr. Jenkins discussed the changes.

MOTION: Rep. Harper moved to adopt 2009 General Session draft legislation, "Adoption Revisions" as a committee bill. The motion passed unanimously. Sen. Buttars, Sen. Christensen, and Rep. Litvack were absent for the vote.

13. Adjourn

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

Chair Ray adjourned the meeting at 5:00 p.m.