

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**  
Wednesday, October 21, 2009 – 9:00 a.m. – Room 250 State Capitol

**Members Present:**

Sen. D. Chris Butters, Senate Chair  
Rep. Paul Ray, House Chair  
Sen. J Stuart Adams  
Sen. Allen M. Christensen  
Sen. David P. Hinkins  
Sen. Patricia W. Jones  
Sen. Luz Robles  
Rep. Trisha S. Beck  
Rep. Bradley M. Daw  
Rep. Eric K. Hutchings  
Rep. Christine A. Johnson  
Rep. Kay L. McIff  
Rep. Phil Riesen  
Rep. Stephen E. Sandstrom  
Rep. Evan J. Vickers

**Members Absent:**

Rep. Ronda Rudd Menlove

**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](http://www.le.utah.gov).

**1. Committee Business**

Chair Butters called the meeting to order at 8:15 a.m. Rep. Menlove was excused from the meeting.

**MOTION:** Sen. Christensen moved to approve the minutes of the September 16, 2009 meeting. The motion passed unanimously. Sen. Jones and Rep. McIff were absent for the vote.

**2. Abuse Work Environment Prohibition Act**

Rep. Sandstrom explained that 2009 General Session H.B. 224, "Health Care Provider Abuse Work Environment Prohibition Act" was referred to interim study. He noted that the legislation does not require state enforcement and there is no fiscal impact. He said he was aware of the concerns regarding the private right of action provision of the bill and indicated that the goal is to eliminate the problem of abusive work environments, not to bring lawsuits.

Ms. Denise Halverson, Orem resident, distributed a binder of information titled "Health Care Provider Abuse Prevention Act." She related examples of abusive relationships between employees and others within health care settings. She recommended that the Legislature implement protective laws and address ethics and accountability issues, and that a study of unethical behavior be conducted.

Dr. Gary Namie, Director, Workplace Bullying Institute, gave a presentation on H.B. 224. He discussed the list of definitions contained in the bill. Dr. Namie pointed out that healthcare and education are areas where most instances of bullying occur.

Ms. Laura Sorenson, RN and former Air Med flight nurse, discussed the abuse she encountered in her workplace. She said current laws are inadequate to assist employees like her to resolve unfair treatment.

She stated that in her situation she was not disabled enough to be protected by the Americans with Disabilities Act.

Rep. Sandstrom invited committee members and others to work with him on legislation to solve the problem of abusive work environments while addressing the concern about generating lawsuits.

### **3. Ambulatory Surgery Centers Reimbursement**

Mr. Brian Berg, Utah Ambulatory Surgery Center Association (UASCA), distributed copies of a slide presentation, "Ambulatory Surgery Centers - Partners in Safe and Cost-Effective Health Care in Utah," that Mr. Michael Christensen, Facility Administrator, Coral Desert Surgery Center, presented to the Committee.

Mr. Christensen explained that ambulatory surgery centers (ASCs) are an integral component of the U.S. healthcare delivery system and provide high quality care. He discussed the savings opportunities available through the use of ASCs.

Mr. Berg said ASCs are working to meet the established guidelines for quality and safety issues. He reviewed differences between ASCs and hospitals in reimbursement methodologies. He noted that a Moran Study established that more than \$1.3 billion could be saved annually if more Medicare patients were allowed access to care at ASCs.

Mr. Michael D. Hales, Director, Division of Health Care Financing, Utah Department of Health, explained Medicaid's current payment policy for ASCs. He explained that along the Wasatch Front, Medicaid services are delivered largely through three managed care providers that each arrange their own provider networks. Those networks include some, but not all ASCs. In the rural communities of the state, Medicaid is delivered through a fee for service model which allows payment to any willing provider.

Mr. Dave Gessel, Utah Hospital and Health Systems Association, indicated that in light of the current state budget situation, now is not the time to be increasing reimbursement to ASCs. He said that about one-quarter of ASCs are affiliated with or partially owned by hospitals and that most of those ASCs are reimbursed by Medicaid. He indicated that the Legislature should look at the Medicaid system as a whole when considering any changes to it.

Mr. Berg indicated that UASCA is not asking for an any willing provider model to be used throughout the state for ASCs. He said that he would like to continue meeting with the committee's chairs and the Department of Health to find ways for ASCs to benefit the Medicaid system.

### **4. Organ Donation**

Sen. Urquhart explained that each year 4,000 Americans die waiting for a kidney transplant. He indicated that the status quo prevents providing valuable consideration to donors. He asked that the Committee consider what can be done to address the problem.

Dr. Sally Satel, American Enterprise Institute, distributed "Highlights – Legislative Efforts, Statute Interpretation, and Organization Support for Donor Incentives" and a book she edited, "When Altruism

Isn't Enough: The Case for Compensating Kidney Donors." She said the gap between those who need kidneys and the number that become available is the cause of much suffering and death. She advocated for the donation of kidneys and outlined several non-cash rewards that might be incentives to donate an organ.

## **5. Health Education in Public Schools**

Sen. Urquhart stressed the need to clarify for teachers and school districts what is permissible in the teaching of sex education in public schools. He indicated that he is in the exploratory stage of developing legislation.

Sen. Jones stated a conflict on this issue.

Ms. Brenda Hales, Associate Superintendent, Utah State Office of Education, distributed "Utah Secondary Health Education Core Curriculum," "Utah Human Sexuality Instruction," and "Parent/Guardian Consent Form." She outlined the standards for human sexuality instruction and the objectives to be accomplished by teachers. She said teachers are trained on how to present the material and the difference between advocacy and encouragement.

Ms. Hales and Mr. Frank Wojtech, Health and Physical Education Specialist, Utah State Office of Education, responded to questions from the Committee.

Ms. Debbie White, AFT Utah, Utah affiliate of the American Federation of Teachers, indicated that the current human sexuality curriculum is very general and vague. She expressed concern about the information being given and stressed the need for more comprehensive sex education.

Dr. Miriam Grossman, Psychiatrist, gave a presentation to the Committee which warned about what children are taught by organizations that claim to offer comprehensive sex education. She said the primary goal of these programs is not to fight disease, it is to create a society that tolerates and celebrates nearly any kind of sexual activity. She stated there should be a track at school which parents can request for their children that is accurate, nonideological, and based in science. She said that her criticisms of sex education are not based on morality, but on science.

Dr. Grossman responded to questions from the Committee.

Mr. Kyle Waters, concerned citizen, stressed that more comprehensive information on contraceptives should be taught in public schools by a professional educator who is certified and up to date on the information.

Ms. Gayle Ruzicka, Utah Eagle Forum, distributed a summary of states' rankings by pregnancy rate, birth, and abortion and reviewed the history of sex education legislation in Utah. She stated that instead of looking at what to do to raise the level of what is taught in schools, it is important to look at what is working in the state. She said that schools are not the place to go to the next level of comprehensive sex education.

Ms. Liz Zentner, Utah PTA Health Commissioner, distributed and discussed the booklet "Parents, Speak Up!"; handouts "Facts on teen pregnancy and STDs in Utah" and "Parent Permission Form"; and an outline

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of Utah PTA's position on health education and related information. She expressed support for the current curriculum that encourages abstinence as an expected standard for all youth. She outlined proposed recommendations of the Utah PTA.

**MOTION:** Sen. Hinkins moved to urge the Legislature to not consider any persons or organizations that promote, recommend, or teach high-risk sexual behavior, web sites, examples, or talks in public schools. The motion passed with Sen. Jones, Sen. Robles, Rep. Johnson, and Rep. McIff voting in opposition. Sen. Christensen, Rep. Beck, Rep. Hutchings, and Rep. Riesen were absent for the vote.

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

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