

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Friday, October 30, 2009 – 9:00 a.m. – Room C445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. Gene Davis
Sen. Brent H. Goodfellow
Sen. Mark B. Madsen
Rep. James R. Gowans
Rep. Rebecca D. Lockhart
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold

Members Excused:

Pres. Michael G. Waddoups

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 9:13 a.m.

MOTION: Sen. Davis moved to approve the minutes of the September 10, 2009 meeting. The motion passed unanimously. Rep. Moss and Rep. Gowans were absent for the vote.

2. R495-888 Department of Human Services Related Parties Conflict Investigation Procedure

Mr. Hunsaker gave a brief overview of the issue and referred committee members to Utah Code Sections 62A-4a-202.6 and 62A-4a-409, which were distributed in the mailing packet.

Ms. Lisa-Michele Church, Executive Director, Department of Human Services, distributed and presented "Responses to Request for Proposal for Conflict of Interest Investigations and Related Materials," and provided background on R495-888 "Department of Human Services Related Parties Conflict Investigation Procedure." Ms. Church said that because the statute does not state that the agency providing the investigative service must be outside of the department, it was her understanding that the rule was not in conflict with existing statute.

Ms. Susan Eisenman, Mr. John Soltis, and Mr. Craig Barlow, Assistant Attorneys General, responded to committee members' questions during the discussion.

Ms. Renee Calkins, Utah Foster and Adoptive Family Association, discussed her personal experiences with the state's foster parent system as a foster parent.

Mr. Lane Meacham, Licensed Clinical Social Worker, distributed "Friday, June 16, 2000, DCFS Weekly Update From the State Office," and commented in favor of sunsetting the rule.

MOTION: Sen. Madsen moved that the Administrative Rules Review Committee recommend to the Legislature the sunset of R495-888 "Department of Human Services Related Parties Conflict Investigation Procedure." The motion passed unanimously.

MOTION: Sen. Madsen moved that the Administrative Rules Review Committee ask staff to open a bill file to change the statute in order to clarify legislative intent, so that the rule can be redrafted more clearly.

Rep. Lockhart said she has already opened a bill file which could appropriately incorporate the changes being discussed in the already existing draft.

Sen. Madsen withdrew the motion.

Sen. Davis suggested that the issues be recommended to the Health and Human Services Interim Committee and the Child Welfare Legislative Oversight Panel for further consideration.

3. Patient Addiction to Medication: Physician Responsibility in Statute and Rule

Sen. Stephenson introduced the issue.

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licencing (DOPL), distributed "Prescribing Controlled Substances in Utah" and "Recommendations to the Controlled Substances Database."

Mr. Steinagel discussed how drugs are categorized as controlled substances, the purpose of the controlled substance database, and database improvements currently being developed. Mr. Steinagel responded to committee members' questions.

Dr. Robert Rolfs, Director, Division of Disease Control and Prevention, Department of Health, commented on the issue and said the changes to the database have made it a more useful tool.

Ms. Michelle McOmer, Executive Vice President, Utah Medical Association, commended the work done by DOPL to make the database easier to use.

4. Committee Business

Future meetings were scheduled for November 24, 2009 at 9:00 a.m. and December 8, 2009, at 9:00 a.m.

5. Adjourn

Chair Stephenson adjourned the meeting at 12:20 p.m.