

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**  
Wednesday, Jun 15, 2011 – 9:00 a.m. – Room 20 House Building

**Members Present:**

Sen. Allen M. Christensen, Senate Chair  
Rep. Paul Ray, House Chair  
Sen. Stuart C. Reid  
Sen. Luz Robles  
Rep. Tim M. Cosgrove  
Rep. Wayne A. Harper  
Rep. Ronda Rudd Menlove  
Rep. Dean Sanpei  
Rep. Evan J. Vickers  
Rep. Christine F. Watkins

**Members Absent:**

Sen. Patricia W. Jones  
Sen. Mark B. Madsen  
Rep. David Clark  
Rep. Bradley M. Daw

**Staff Present:**

Mr. Stewart E. Smith, Policy Analyst  
Ms. Cathy Dupont, Associate General Counsel  
Ms. RuthAnne Frost, Associate General Counsel  
Ms. Kimberly A. Heiner, 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 9:20 a.m.

**MOTION:** Sen. Reid moved to approve the minutes of the May 18, 2011 meeting. The motion passed unanimously with Sen. Jones, Sen. Madsen, Sen. Robles, Rep. Clark, Rep. Daw, Rep. Harper, and Rep. Menlove absent for the vote.

Chair Ray invited the Committee members to be a part of an obesity and prescription drug abuse working group that will meet on interim days in Room 20, House Building, at 8:00 a.m.

Chair Ray said he would also like to roll out a health initiative for the Committee with a focus on weight loss and healthy lifestyle. The initiative would be a friendly contest to improve behavior, like the Committee competition a couple of years ago.

Chair Ray said the Committee's September meeting will be at the University of Utah Medical Center.

**2. Medicaid Delivery Waiver**

Sen. Daniel Liljenquist said the Medicaid delivery waiver request was created in response to 2011 General Session S.B. 180, "Medicaid Reform."

Mr. Michael Hales, Director, Division of Health Care Financing, Utah Department of Health, reviewed the written report on the waiver request submitted to the Committee since last month's interim meeting. He reported that the department is evaluating comments made at the two public hearings on the draft waiver request and that a record will be made of the department's response to each comment. The waiver request will be submitted July 1, 2011.

Mr. David Gessel, Utah Hospitals and Health Systems Association, said the association is supportive of S.B. 180. He said that moving to a managed care payment structure will be challenging for hospitals and that the hospital assessment law may have to be amended.

Mr. Lincoln Nehring, Voices for Utah Children, said that because the vast majority of Utah's Medicaid enrollees are children, the waiver effectively targets children. He encouraged the state to remove provisions from the proposal that have nothing to do with accountable care organizations (ACOs), such as the premium subsidy program and the provision to rein in costs by slashing benefits if ACOs fail.

Ms. Kris Fawson, representing the Legislative Coalition of People with Disabilities and the Statewide Independent Living Council, said families are nervous about increased copays under the waiver because many are already on the verge of bankruptcy. She also indicated that she would like to see the issue of copays that differ based on whether a person is in an institutional or community setting addressed.

Ms. Michelle McOmbler, Utah Medical Association, said the waiver will have a drastic effect on how physicians provide care. She also said the association supports premium subsidies for Medicaid clients to purchase private insurance.

Ms. McOmbler said the association is concerned that patients have access to care in a way that provides value, and that the lowest cost care is not always the best value. She said the association wants to make sure patients have access to care and that this can be done by allowing any physician that meets an ACO's requirements to participate in the ACO. She also said it is important to not increase the administrative costs of providing care, and that if physicians are going to be held accountable for quality of care, they need to be part of the conversation that sets quality of care standards.

Ms. Shanie Scott, Utah Health Policy Project, said the project supports and has been impressed with the transparency of the waiver development process. She indicated the project is concerned about the waiver's cost sharing and copay schedule because it could end up costing the state more if families that cannot afford the copays end up going to the emergency rooms for care.

Sen. Lilenquist said the federal government limits Medicaid cost sharing to five percent of an individual's income and that the waiver mirrors cost sharing in the Children's Health Insurance Program.

Rep. Sanpei indicated that physicians are concerned about patients not complying with ordered treatments.

At Rep. Cosgrove's request, Rep. Ray directed Committee staff to ask the Department of Health to e-mail a copy of the final Medicaid waiver proposal to the Committee before the proposal is submitted to the Centers for Medicare and Medicaid Services.

### **3. Physician Licensing**

Mr. Mark Steinagel, Director, Division of Occupational and Professional Licensing, distributed and discussed a handout, "Physician Licensing Information," which compares how surrounding states handle the public reporting of physician licensing information. Mr. Steinagel responded to questions from the Committee.

Ms. Michelle McOmbler said the Utah Medical Association believes the process physicians go through to be licensed in Utah, and the protections it affords, is sufficient.

Mr. Gessel said it is important to keep clear that the state is the police agency for physician licensing, not hospitals. He said he recalls reading or hearing that the average physician will be sued two or three times during his or her career and that virtually none of the allegations will be founded; thus, malpractice claims are not necessarily indicative of whether a person is a good physician.

Ms. Dupont commented on differences between being employed by a hospital and being credentialed by a hospital.

Chair Ray said he will be drafting licensing legislation during the summer and will bring it to the Committee in September or October. He invited others to be involved in development of the legislation.

#### **4. Sunset Review--Expedited Background Checks**

Ms. Frost reviewed the purposes of a sunset review.

Mr. Ken Stettler, Director, Office of Licensing, Department of Human Services, explained the rationale for, and the fiscal impact to providers and the state of, the statutory provision passed in 2010 authorizing expedited background checks of Department of Human Services provider employees. He said the Office does about 100 expedited screenings per month at no additional cost to the office, but expanding the practice to screenings beyond employees of providers for the Division of Services for People With Disabilities would require additional resources.

Mr. Charlie Luke, Utah Association of Community Services, said the expedited background check provision has been extremely beneficial for Division of Services for People With Disabilities providers. He recommended that the Committee eliminate the sunset requirement.

Ms. Marsha Colegrove, a Department of Human Services provider, said cost savings to providers due to expedited background checks has been great.

The Committee discussed the possibility of establishing a fee for expedited background checks.

**MOTION:** Sen. Robles moved to remove the sunset review requirement for expedited background checks of human services providers.

**SUBSTITUTE MOTION:** Sen. Christensen moved to extend for five years the sunset date for expedited background checks of human services providers. The motion passed unanimously with Rep. Harper absent for the vote.

Sen. Christensen said that he will look into legislation that would create a fee for an expedited background check, even if the fee is equivalent to just the first hour of an employee's wages.

#### **5. Adjourn**

**MOTION:** Rep. Watkins moved to adjourn. The motion passed unanimously with Rep. Harper absent for the vote.

Chair Ray adjourned the meeting at 11:05 a.m.