

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, November 19, 2014 – 2:30 p.m. – Room 250 State Capitol

Members Present:

Sen. Evan J. Vickers, Senate Chair
Rep. Paul Ray, House Chair
Sen. Allen M. Christensen
Sen. Luz Escamilla
Sen. Brian E. Shiozawa
Sen. Todd Weiler
Rep. Rebecca Chavez-Houck
Rep. LaVar Christensen
Rep. Tim M. Cosgrove
Rep. Brian M. Greene
Rep. Michael S. Kennedy

Rep. Ronda Rudd Menlove
Rep. Edward H. Redd

Members Absent:

Rep. Stewart Barlow

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Mr. Gregg A. Girvan, Policy Analyst
Ms. Cathy J. Dupont, Associate General Counsel
Ms. Lee A. Killian, Associate General Counsel
Ms. Lori Rammell, 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 Vickers called the meeting to order at 2:58 p.m.

MOTION: Sen. Christensen moved to approve the minutes of the October 15, 2014, meeting. The motion passed unanimously with Sen. Escamilla, Sen. Shiozawa, Sen. Weiler, Rep. Christensen, Rep. Kennedy, and Rep. Ray absent for the vote.

Chair Vickers thanked Rep. Cosgrove and Rep. Menlove for their service in the Legislature, then gave them each the opportunity to express their thoughts about their work on the committee.

2. Medicaid Payments for Emergency Room Use

Rep. Kennedy distributed and explained draft legislation "Medicaid Management of Emergency Department Utilization" (2015FL-0411/004), which prohibits a Medicaid accountable care organization from imposing differential payments for professional services rendered in an emergency department, and requires the Department of Health to convene a group of stakeholders to discuss ways to create and support increased access to primary and urgent care services for Medicaid recipients.

Ms. Michelle McOmber, Chief Executive Officer, Utah Medical Association, said that hospitals have agreed to the language of the bill. She indicated that the bill encourages the Department of Health to identify individuals who are "super-utilizers" of emergency department services and to help them find care in alternative settings.

MOTION: Sen. Christensen moved that draft legislation "Medicaid Management of Emergency Department Utilization" be approved as a committee bill and that Rep. Kennedy sponsor the legislation during the legislative session. The motion passed unanimously with Sen. Escamilla, Rep. Greene, and Rep. Ray absent for the vote.

3. Children's Hearing Aid Pilot Program — Sunset Review Follow-Up

Rep. Rebecca P. Edwards distributed draft legislation "Children's Hearing Aid Program Amendments" (2015FL-0215/009) and explained that the purpose of this legislation is to convert the Children's Hearing Aid Pilot Program, operated by the Utah Department of Health, into a permanent program and make changes to the program. She pointed out language in the bill, added as a result of comments made last month by Rep. Barlow, that stipulates that diagnosis of hearing loss must be by a licensed physician.

Ms. Stephanie McVicar, Utah Department of Health, said that the program is available for families with incomes up to 300% of the federal poverty level.

MOTION: Rep. Menlove moved that the committee pass draft legislation "Children's Hearing Aid Program Amendments" as a committee bill. The motion passed unanimously with Sen. Escamilla and Rep. Greene absent for the vote.

4. Rural Residency Training Program — Sunset Review

Mr. Richard Campbell, Executive Director, Utah Medical Education Council, distributed "Utah Medical Education Council—Rural Rotation Program." He explained that the program gives physicians an opportunity to practice medicine in rural communities on a rotational basis so that they may determine whether to do so on a permanent basis.

MOTION: Sen. Christensen moved that the Rural Residency Training Program, scheduled for repeal on July 1, 2015, be reauthorized for five years. The motion passed unanimously with Sen. Escamilla and Rep. Greene absent for the vote.

5. Radon

Mr. Michael Siler, Founder and Chair, Utah Radon Coalition, distributed "The Utah Radon Coalition: Radon Gas is a Dangerous Carcinogen Prevalent in Many Homes in Utah" and "The Utah Radon Coalition: Radon Levels by Legislative District." He asked that committee members help educate their constituents about radon and that they be open to supporting nonintrusive radon legislation during the next general session of the Legislature.

Dr. Wallace Akerley, lung cancer physician, Huntsman Cancer Institute, said that one in three patients he sees with lung cancer have never smoked and that radon, a radioactive gas, is the second leading cause of lung cancer. He said that one in three houses in the state have elevated levels of radon, and that the only way to know whether a house has radon is to have it tested.

Ms. Jan Poulson discussed how she developed lung cancer, and subsequently brain cancer, as a result of radon in her home that apparently appeared following the addition of a basement to the home. She described the treatment she has undergone for lung cancer and the radon mitigation system she has had installed in her home. She said that lung cancer kills more people annually than breast cancer, colon cancer, and prostate cancer combined.

Mr. Dennis Flynn, homeowner, discussed radon remediation actions taken at his home. He described his unsuccessful attempts to obtain reimbursement for the cost of remediation from the home builder. He expressed concern for his daughter who lived the first two years of her life in a radon-filled home.

6. Ebola

Dr. Allyn Nakashima, State Epidemiologist, Utah Department of Health, described the screening of airline passengers entering the country from Mali, Guinea, Sierra Leone, and Liberia for Ebola. She said the department has been working very closely with hospitals in the state to help them prepare to take care of Ebola patients. She indicated that hospitals and other health care providers are questioning patients about their travel history and symptoms and are alerting the department if a patient could possibly have Ebola. She said the department is currently monitoring three individuals in the state for Ebola.

7. Physician Dispensing of Certain Drugs

Dr. Steven B. Cherrington, Chief of Medical Staff, Timpanogos Hospital, indicated that Utah is one of six states that do not permit physicians to dispense certain prescription drugs. He said that allowing physicians to do so would improve patient access to care and allow the state to keep up with a national trend.

Rep. Kennedy indicated that if a physician were able diagnose a sick person in the person's home and dispense pharmaceuticals at the same time, it would be an opportunity to bring health care to sick people, rather than requiring sick people to bring themselves to a doctor's office.

8. Health Care Facility and Practitioner Comparisons

Dr. Norm Thurston, Director, Office of Health Care Statistics, Utah Department of Health, reported on the measurement of health care quality in the state. He discussed how hospital comparisons are available online using the department's MONAHRQ software. He demonstrated how information gathered by the department for the state's All-Payers Claims Database can be used to show variations in the frequency and cost of health care treatments across the state.

9. Utah Commission on Aging

Dr. Anne E. Palmer, Executive Director, Utah Commission on Aging, distributed "Utah Commission on Aging Annual Report 2013-2014," which requests ongoing funding for expanded nutrition programs and the aging waiver. The aging waiver currently has a waiting list of 165 individuals.

10. Controlled Substances Advisory Committee

Dr. N. David Sundwall, Past Chair, Controlled Substances Advisory Committee, reviewed the committee's annual report to the Health and Human Services Interim Committee. He said that synthetic drugs are the advisory committee's biggest issue and are still widely available. He described the advisory committee's efforts to provide the Legislature each year with a list of substances that should be regulated or prohibited by statute. He suggested the Legislature examine model legislation prepared by the National Alliance for Model State Drug Laws to address synthetic drug analogues. Rep. Ray asked the interim committee's staff to send the model legislation to members of the interim committee. Sen. Shiozawa requested that the Controlled Substances Advisory Committee review the use of kratom, which has been alleged to have been sold from a local tobacco store.

Dr. Mark Munger, Chair, Controlled Substances Advisory Committee, was introduced as the new chair of the Controlled Substances Advisory Committee.

11. Adjourn

Health and Human Services Interim Committee

November 19, 2014

Page 4

MOTION: Rep. Cosgrove moved to adjourn the meeting. The motion passed unanimously with Sen. Weiler, Rep. Chavez-Houck, Rep. Christensen, and Rep. Greene absent for the vote.

Chair Vickers adjourned the meeting at 5:02 p.m.