

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, July 16, 2003 – 9:00 a.m. – Room 129 State Capitol

Members Present:

Rep. Mike Thompson, House Chair
Sen. Sheldon L. Killpack, Senate Chair
Sen. James M. Evans
Sen. Scott K. Jenkins
Sen. Paula F. Julander
Sen. David L. Thomas
Rep. Calvin G. Bird
Rep. Judy Ann Buffmire
Rep. Marda Dillree
Rep. Craig Frank
Rep. Patricia W. Jones
Rep. Brad Last

Rep. David Litvack
Rep. Rebecca Lockhart
Rep. Steven R. Mascaro
Rep. Darin G. Peterson
Rep. J. Morgan Philpot
Rep. Jack A. Seitz

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Catherine J. Dupont, Associate General Counsel
Ms. Stacey M. Snyder, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Joy Miller, at 538-1032.

1. Committee Business

Chair Thompson called the meeting to order at 9:10 a.m. He introduced Sen. Sheldon Killpack as the new cochair of the committee, replacing Sen. Steele.

2. Surrogate Parenthood

Sen. Hillyard discussed draft legislation "Gestational Agreement Act" which was distributed to the Committee. The act repeals Section 76-7-204 of the Utah Code and adopts Article 8, Gestational Agreements, of the 2000 Uniform Parentage Act. He cited several situations regarding surrogate parenthood that have occurred which prompted him to propose the legislation.

Mr. Phil Pugsley, Assistant Attorney General, discussed a recent ruling of the U.S. District Court which largely invalidated Section 76-7-204. The proposed legislation provides for judicial supervision of gestational agreements similar to the way in which adoption is judicially reviewed.

Ms. Robin Arnold-Williams, DHS (Department of Human Services), discussed the home study that will be required of intended parents. She suggested the language as proposed in the legislation be changed to mirror the language which deals with private adoptions.

Dr. David Viskochil, University of Utah, reviewed the responsibility of the Genetic Advisory Committee that advises the Department of Health on these types of issues.

MOTION: Sen. Jenkins moved to approve the minutes of the June 18, 2003 meeting. The motion passed unanimously. Rep. Dillree was absent for the vote.

3. Performance Audit of Utah's Local Mental Health System

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Ms. Leslie Marks, Audit Supervisor, OLAG (Office of the Legislative Auditor General), reviewed "A Performance Audit of Utah's Local Mental Health System." The audit found that state and county oversight of mental health centers needs to improve, policy improvements are needed for untraditional activities, and some administrative practices fail to ensure the best use of public funds.

Mr. Tim Osterstock, Audit Manager, OLAG, noted that auditors found a lack of segregation of funds. He indicated state agencies are required to follow the State Money Management Act.

Mr. Wayne Welsh, OLAG, indicated it is not solely the responsibility of local mental health authorities to administer mental health programs. It is a shared responsibility among many agencies.

Commissioner Bill Cox, Rich County, stated the audit has been positive in bringing out some of the weaknesses in the system such as oversight by the counties. It helps local officials understand the scope of their authority.

Mr. Brent Gardner, UAC (Utah Association of Counties), said UAC is working closely with the DHS as recommended in the audit. He outlined other action being taken by the counties.

Mr. Kerry Steadman, Salt Lake County, indicated that it is important to consider untraditional activities since they provide a fullness and richness to the mental health continuum. Salt Lake County agrees with the recommendations of the audit and wants to help strengthen the mental health system.

Ms. Robin Arnold-Williams, DHS, commented that DHS has worked cooperatively with UAC to develop a training program and counties are working to develop a model agreement for contracting with local providers. She said the state has updated its contract with the local mental health authorities based on SB 191, "County Oversight of Local Authorities for Human Services," which was distributed to the Committee.

Mr. Dave Broadbent, Member, VMH (Valley Mental Health) Board of Directors, distributed and discussed a handout "VMH Board of Directors Response to Utah Legislative Report No. 2003-05." In order to address unmet critical health care needs, the mental health system must encourage the leveraging of public dollars with other private resources.

Mr. Welsh indicated that the information distributed by Mr. Broadbent was not previously provided to the auditors and, therefore, has not yet been audited. He briefly reviewed the follow-up process to audits.

MOTION: Sen. Evans moved that the new information provided by VMH, and other information, be audited to determine whether public funds have been used for certain purposes.

SUBSTITUTE MOTION: Rep. Litvack moved to go to the next item on the agenda.

After Committee discussion, both motions were withdrawn.

4. Substance Abuse - An Update

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Dr. Glen Hanson, Director, Utah Addiction Center, gave a slide presentation "The Disease of Chemical Addiction." He said drug abuse and addiction are among the most serious problems that face society. Together these are considered the number one health problem and cost approximately ½ trillion dollars per year.

5. Health Insurance for Displaced Workers

Due to lack of time, the item was not discussed and will be placed on the next agenda.

6. Other Items / Adjourn

MOTION: Rep. Bird moved to adjourn the meeting. The motion passed unanimously. Chair Thompson adjourned the meeting at 11:40 a.m.