

**BILLS PASSED**  
**RELATED TO HEALTH AND HUMAN SERVICES**  
**2005 ANNUAL GENERAL SESSION**

Office of Legislative Research and General Counsel 3/25/05

**ADOPTION**

**H.B. 22 Intercountry Adoption Accreditation (Rep. R. McGee)**

This bill authorizes the Office of Licensing, within the Department of Human Services, to accredit agencies and persons to provide intercountry adoption services involving countries that are parties to the Hague Convention on Protection of Children and Co-operation in Respect to Intercountry Adoption.

This bill:

- ▶ provides that the Office of Licensing, within the Department of Human Services, shall:
  - accredit agencies and persons to provide intercountry adoption services, pursuant to the Intercountry Adoption Act of 2000 and its implementing regulations; and
  - make rules to implement the accreditation of agencies and persons to provide intercountry adoption services; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

**H.B. 233 Adoption Law Revisions (Rep. R. McGee)**

This bill amends provisions relating to reporting requirements for child placing agencies.

This bill:

- ▶ requires that the state of residence of the birth mother be included in the affidavit submitted to the court prior to finalization of an adoption; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 259 Adoption Amendments (Rep. A. Hardy)**

This bill makes changes to the procedures, rights, and requirements of the chapter of the Judicial Code relating to adoption.

This bill:

- ▶ defines terms;
- ▶ describes the rights and duties of a parent and a guardian with respect to a minor for whom a guardian is appointed;
- ▶ provides that the payment of certain adoption related expenses does not constitute the crime of sale of a child;
- ▶ provides that before a parent consents to the adoption of the parent's child or relinquishes the parent's child to a child-placing agency, the parent has the right to participate in counseling at the expense of the adoptive parents or the child-placing agency;
- ▶ describes the persons who are entitled to notice of adoption proceedings;
- ▶ describes the persons from whom consent for adoption or relinquishment of a child for adoption is required;
- ▶ provides that a person's relinquishment of a child for adoption may not be considered as evidence that custody of the child should not be awarded to the person;
- ▶ provides that a minor has the power to relinquish the minor's child for adoption; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 125 Amendments to Individual Income Tax Credit for Special Needs Adoptions (Sen. P. Hellewell)**

This bill modifies the Individual Income Tax Act relating to a tax credit for special needs adoptions.

This bill:

- ▶ amends the definition of "child who has a special need";
- ▶ requires that an adoption occur in this state for a taxpayer to be eligible for a tax credit; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**AGING**

**H.B. 165 Utah Commission on Aging (Rep. P. Jones)**

This bill creates the Utah Commission on Aging.

This bill:

- ▶ defines terms;
- ▶ provides, under the Legislative Oversight and Sunset Act, that the Utah Commission on Aging, created by this bill, will be repealed on July 1, 2007;
- ▶ creates the Utah Commission on Aging and lists the purposes, duties, and powers of the commission;
- ▶ establishes membership of the commission;
- ▶ creates the position of executive director of the commission and lists the executive director's duties;
- ▶ requires that an annual report of the commission's accomplishments be submitted to the governor and the Executive Appropriations Committee of the Legislature;
- ▶ provides for the appointment of a chair and for the conduct of the commission's meetings;
- ▶ provides that members of the commission serve without pay, but are entitled to a per diem and reimbursement of expenses;
- ▶ provides that, for the fiscal years 2005-06 and 2006-07, the Department of Human Services shall:
  - pay the salary of the executive director of the Utah Commission on Aging out of the department's existing budget; and
  - provide staff support to the executive director and the commission; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 243 Repeal of Geriatric Care Manager (Rep. R. Lockhart)**

This bill amends the Nurse Practices Act to repeal provisions related to Geriatric Care Managers.

This bill:

- ▶ removes the reference to geriatric care managers in the following areas of the Nurse Practices Act:
  - definitions;
  - qualifications for licensure;
  - qualifications for admission to examinations;
  - unprofessional conduct; and
  - minimum standards for nursing programs; and
- ▶ repeals the pilot program for geriatric care managers.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## CANCER

### **S.J.R. 16 Resolution Urging Comprehensive Cancer Control Plan for the State (Sen. K. Hale)**

This joint resolution of the Legislature recognizes efforts to formulate a Comprehensive Cancer Control Plan and identify ways to prevent and control cervical cancer.

This resolution:

- ▶ recognizes the Department of Health and the Utah Cancer Action Network for taking the lead in formulating the Comprehensive Cancer Control Plan; and
- ▶ expresses support for the efforts of the Department of Health and the Utah Cancer Action Network in the identification of ways to prevent and control cervical cancer.

Fiscal note over \$10,000: N

### **S.J.R. 17 Resolution Recognizing Huntsman Cancer Institute (Sen. P. Knudson)**

This joint resolution of the Legislature gives state recognition to the Huntsman Cancer Institute.

This resolution:

- ▶ recognizes the Huntsman Cancer Institute as the official, comprehensive cancer center of the state of Utah.

Fiscal note over \$10,000: N

## CHILD WELFARE

### **H.B. 8 Child Protection Team Meetings (Rep. A. Tilton)**

This bill amends Child and Family Services provisions regarding child protection team meetings.

This bill:

- ▶ extends the child protection team meeting deadline for certain protective supervision cases;
- ▶ addresses what a team may do at the meeting; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

### **H.B. 42 Medical Recommendations for Children (Rep. M. Morley) VETOED**

This bill prohibits school personnel from making certain medical recommendations for a minor, including the use of psychotropic drugs, and prohibits consideration of a petition for removal of a minor, and removal of a minor from parental custody based on a parent's refusal to consent to the administration of psychotropic drugs.

This bill:

- ▶ prohibits school personnel from making certain medical recommendations for a minor, including the use of psychotropic drugs;
- ▶ prohibits the removal of a minor from parental custody based on a parent's refusal to consent to the administration of psychotropic drugs; and
- ▶ prohibits the consideration of a petition for removal of a minor from parental custody based on a parent's refusal to consent to the administration of psychotropic drugs.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

### **H.B. 89 Presumption of Responsibility for Abuse or Neglect (Rep. L. Christensen)**

This bill repeals the presumption of responsibility relating to abuse or neglect of a minor.

This bill:

- ▶ amends the Judicial Code by repealing the presumption that a person who has direct and exclusive care and control of a minor at the time the minor is abused is responsible for the abuse or neglect.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

### **H.B. 338 Child and Family Welfare Revisions (Rep. L. Christensen)**

This bill amends provisions of the Utah Human Services Code and the Judicial Code relating to child welfare and the rights of parents.

This bill:

- ▶ describes the rights of parents and the obligations of the state with regard to children and the protection of children;
- ▶ provides that prior to an adjudication of unfitness, government action in relation to parents and their children may not exceed the least restrictive means or alternatives available to accomplish a compelling state interest;
- ▶ requires that the state juvenile court:
  - act in the best interests of a minor in all cases; and
  - preserve and strengthen family ties;
- ▶ provides that the appointment of an attorney guardian ad litem for a minor shall be based on findings that establish the necessity for the appointment; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

### **S.B. 15 Children's Justice Center Amendments (Sen. D. C. Buttars)**

This bill broadens the scope of children to be served by Children's Justice Centers.

This bill:

- ▶ increases the number of children to be served by Children's Justice Centers throughout the state by expanding the scope to include crimes involving children when the child is a primary victim or a critical witness, such as in drug-related child endangerment cases.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

### **S.B. 17 Foster Care Citizen Review Board (Sen. D. Eastman)**

This bill amends the duties of a foster care citizen review board and the court for reviewing cases involving children in the custody of the Division of Child and Family Services.

This bill:

- ▶ requires that the six month reviews of a case involving a child in the custody of the Division of Child and Family Services be conducted until the court terminates the state's custody of the child;
- ▶ requires that in cases where a court conducted a six month review hearing, a foster care citizen review board must conduct a review of the case within 18 months of the date that the child was removed from the child's home;
- ▶ removes the requirement that a court provide notice to the Foster Care Citizen Review Board Steering Committee of a determination or finding made by the court;
- ▶ provides that the Foster Care Citizen Review Board Steering Committee shall have access to certain court records and shall forward relevant information from those records to the appropriate foster care citizen review board; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

### **S.B. 72 Child Welfare Amendments (Sen. D. Eastman)**

This bill amends provisions of the Human Services Code, the Judicial Code, and provisions relating to child welfare.

This bill:

- ▶ replaces the term "treatment plan" with the term "child and family plan";
- ▶ clarifies access to certain protected and confidential records;

- ▶ provides that the inability to identify or locate an alleged perpetrator of child abuse may not be used by the division as a basis for determining that a report is unsupported;
- ▶ provides that a child and family plan may only include requirements that:
  - address findings made by the court; or
  - are requested or approved by a parent or guardian of the child, and are agreed to by the division and the guardian ad litem;
- ▶ addresses the circumstances under which parent-time may be denied; and
- ▶ makes technical changes.

None]

Fiscal note over \$10,000: Y

**S.B. 83 Medical Decisions of a Parent or Guardian**  
(*Sen. D. Thomas*)

This bill modifies provisions of Child and Family Services, the Utah Criminal Code, and the Judicial Code regarding child abuse and neglect. This bill also modifies the Judicial Code regarding malpractice actions against health care providers.

This bill:

- ▶ modifies provisions of Child and Family Services to provide that:
  - a health care decision made by a child's parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
  - a parent or guardian has the right to a second health care opinion;
- ▶ modifies the Licensing Information System portion of Child and Family Services to provide that:
  - a health care decision made by a child's parent or guardian does not constitute severe child abuse or neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and
  - a parent or guardian retains the right to a second health care opinion;
- ▶ provides that a parent or guardian is not guilty of child abuse for selecting a treatment option for the medical condition of the parent's or guardian's child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child;
- ▶ provides that a parent or guardian is not guilty of abuse or neglect of a disabled child for selecting a treatment option for the medical condition of the parent's or guardian's disabled child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child;
- ▶ modifies the definition of a neglected child under the Juvenile Court Act of 1996 to provide that a health care decision made by a child's parent or guardian does not constitute neglect unless the state or other party to the proceeding can show, by clear and convincing evidence, that the decision was not reasonable and informed;
- ▶ modifies the Juvenile Court Act of 1996 to provide that a parent or guardian has the right to a second health care opinion;
- ▶ modifies the Termination of Parental Rights Act to provide that:
  - a health care decision made by a child's parent does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and informed; and

- a parent has the right to a second health care opinion;
- ▶ modifies the Judicial Code to provide that a malpractice action may not be brought against a health care provider on the basis of the consequences resulting from the refusal of a child's parent or guardian to consent to health care recommended by the health care provider when the parent or guardian is provided with sufficient information to make an informed decision and the consent of the parent or guardian is required by law;
- ▶ clarifies the scope of the malpractice action provision contained in this bill;
- ▶ enacts an uncodified expression of legislative intent; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 93 Children's Justice Center Addition** (*Sen. T. Hatch*)

This bill adds Iron County to the list of counties with Children's Justice Centers.

This bill:

- ▶ adds Iron County to the list of Children's Justice Centers sites.

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$127,500 from the General Fund for fiscal year 2005-06 to the Office of the Attorney General for Children's Justice Centers to replace lapsing federal grant funding.

Fiscal note over \$10,000: Y

**DISABILITIES**

**H.B. 5 Person with a Disability Motorcycle Parking**  
(*Rep. T. Kiser*)

This bill modifies the Motor Vehicles Code to authorize the use of person with a disability parking placards to allow assistance to persons with a disability parking a motorcycle.

This bill:

- ▶ provides that a disability special group license plate, temporary removable windshield placard, or removable windshield placard may be used to allow one motorcycle to share a parking space reserved for persons with a disability if the additional motorcycle rider assists the person with a disability who is parking a motorcycle; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 62 Amendments to Intermediate Care Facilities for Mentally Retarded** (*Rep. R. Lockhart*)

This bill amends the Nursing Care Facility Assessment Act to include intermediate care facilities for the mentally retarded.

This bill:

- ▶ amends the definition of nursing care facility to include:
  - intermediate care facilities for the mentally retarded; and
  - beginning January 1, 2006, designated swing beds;
- ▶ clarifies the rulemaking authority of the department in setting the uniform rate for intermediate care facilities for the mentally retarded; and
- ▶ makes conforming amendments in the definitions for health care facilities.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

**H.B. 74 Tuition Program for Students Seeking Teacher Licensure in Disability or Special Education (Rep. R. Menlove)**

This bill modifies the Terrel H. Bell Teaching Incentive Loans program.

This bill:

- ▶ modifies the eligibility of students for the Terrel H. Bell Teaching Incentive Loans program;
- ▶ directs the State Board of Education's prioritization of critical areas of need for teaching expertise within the state; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 79 Provision of Services for People with Disabilities (Rep. R. Lockhart)**

This bill amends the Human Services Code and the Judicial Code to provide for a criminal background check of a direct service worker whose services are paid for with public funds. This bill modifies the responsibilities and authority of the Division of Services for People with Disabilities.

This bill:

- ▶ defines terms;
- ▶ provides the Department of Human Services with access to records to determine whether a direct service worker is listed in the:
  - Licensing Information System of the Division of Child and Family Services;
  - juvenile court records as having a substantiated finding of severe child abuse or neglect; or
  - statewide database of the Division of Aging and Adult Services as having a substantiated finding of abuse, neglect, or exploitation of a vulnerable adult;
- ▶ provides that the Department of Human Services may inform a direct service worker, or the direct service worker's employer, of the status of a direct service worker in the records described above;
- ▶ amends the responsibilities and authority of the Division of Services for People with Disabilities;
- ▶ grants rulemaking authority to the Division of Services for People with Disabilities;
- ▶ subject to certain exceptions, prohibits the Division of Services for People with Disabilities from disbursing public funds to pay for the services of a direct service worker, unless the direct service worker successfully completes a background check;
- ▶ requires the Office of Licensing in the Department of Human Services to conduct a background check of a direct service worker before the Division of Services for People with Disabilities may disburse public funds to pay for the services of the direct service worker; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 80 Services for People with Disabilities (Rep. R. Lockhart)**

This bill amends the portion of the Utah Human Services Code relating to services for people with disabilities and amends related provisions.

This bill:

- ▶ defines terms;
- ▶ removes all references to the obsolete voucher system for obtaining services;
- ▶ describes when a person is eligible to receive services from the Division of Services for People with Disabilities;
- ▶ establishes principles to be followed by the division when providing services to families who care for family members with disabilities; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 91 License Plate for Disabled Veterans (Rep. R. Bigelow)**

This bill modifies the Motor Vehicles Code by authorizing a disabled veteran special group license plate.

This bill:

- ▶ authorizes the Motor Vehicle Division to issue a disabled veteran special group license plate;
- ▶ provides that a disabled veteran or veteran's spouse in certain circumstances is eligible for a disabled veteran special group license plate;
- ▶ provides evidence requirements for a disabled veteran special group license plate; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 145 Amendments to Hearing and Speech Impaired Telecommunications Program (Rep. B. Goodfellow)**

This bill expands the permissive uses of dedicated credits for provision of telecommunications devices and services to hearing and speech impaired persons.

This bill:

- ▶ defines terms;
- ▶ expands the permitted uses of a dedicated credit funded by a telephone surcharge for services to the deaf, hard of hearing, and severely speech impaired to include contracting with programs that train persons to serve as certified interpreters; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 249 Carson Smith Special Needs Scholarships (Rep. M. Newbold)**

This bill creates a program to award scholarships to students with disabilities who attend a private school.

This bill:

- ▶ specifies criteria for qualifying for a scholarship;
- ▶ specifies criteria for private schools to enroll scholarship students;
- ▶ specifies the amount, timing, and form of scholarship payments;
- ▶ requires the State Board of Education to make rules;
- ▶ gives the State Board of Education enforcement authority; and
- ▶ requires the Legislature to annually appropriate money from the General Fund for scholarship payments.

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$100,000 from the General Fund for fiscal year 2005-06 to the State Board of Education.

Fiscal note over \$10,000: Y

**S.B. 115 Permanent Total Disability Amendments (Sen. E. Mayne)**

This bill modifies the Workers' Compensation Act to address permanent total disability provisions.

This bill:

- ▶ addresses procedures for when a determination of permanent total disability is final including providing that an order for subsistence and other undisputed benefits can be enforced as a final order; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.C.R. 5 Resolution Approving Settlement of Lawsuit (Sen. P. Knudson)**

This concurrent resolution of the Legislature and the Governor gives approval to the Utah Department of

Transportation to enter into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

This resolution:

- ▶ approves the Utah Department of Transportation entering into a settlement agreement to install curb ramps to comply with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Fiscal note over \$10,000: N

## EMERGENCY MEDICAL SERVICES

### S.B. 19 Disease Testing of Individuals Exposed to Blood Borne Pathogens (*Sen. P. Arent*)

This bill amends and repeals certain provisions in the Health Code, the Judicial Code, and the Labor Code regarding disease testing for blood borne pathogens.

This bill:

- ▶ repeals provisions in the Health Code regarding workplace testing for exposure to blood pathogens;
- ▶ moves provisions from the Health Code to the Labor Code regarding worker's compensation presumption for emergency medical services providers;
- ▶ amends provisions in the Judicial Code regarding court-ordered disease testing for at risk public safety officers;
- ▶ adds Hepatitis C to the definition of disease for purposes of disease testing and the presumptions for workers' compensation; and
- ▶ makes technical amendments.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

### S.B. 216 Amendments to Utah Emergency Medical Services Act (*Sen. C. Bramble*)

This bill amends the Utah Emergency Medical Services System Act to clarify the procurement procedures that must be followed by a political subdivision issuing a request for proposal for emergency 911 ambulance services.

This bill:

- ▶ amends definitions;
- ▶ clarifies that the procurement process must be based on competitive sealed proposals;
- ▶ requires a presubmission conference;
- ▶ requires fair treatment of all proposers;
- ▶ prohibits certain requirements in the request for proposals;
- ▶ requires certain information in the response to requests for proposals;
- ▶ clarifies the appeal rights for the selection of a proposer; and
- ▶ gives the State Appeals Board jurisdiction to review an appeal of the political subdivision's selection.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## HEALTH CARE FACILITIES

### S.B. 61 Privately Owned Health Care Organization Task Force (*Sen. M. Waddoups*)

This bill creates the Privately Owned Health Care Organization Task Force.

This bill:

- ▶ establishes a legislative task force to study:
  - market penetration, geographic distribution, and contracting arrangements of integrated health care systems in the health insurance and health care markets in the state;
  - the impact of divestiture of integrated health care systems in the health care market in the state;
  - state policies that promote fair and appropriate competition in the health care market, including the adequacy and application of antitrust provisions to health care organizations;

- business and financial practices of health care organizations and how they may impede or enhance a fair and competitive health care market place and impact consumers;
- the tax exempt status of nonprofit health care organizations;
- the statutory definition of charitable care;
- the contracting practices of health care organizations that promote cost-effective health care;
- the need for consumer protections from health care provider conflicts of interest;
- patient choice and access to health care providers; and
- the impact on the state's Medicaid program and other government funded health care plans; and
- the impact of proliferation of medical technology and facilities;

- ▶ provides an exception to the Open and Public Meetings act which permits the task force to close a meeting for the purpose of discussing a record which is a trade secret or contains commercial information and is designated as a protected record under the Government Records Access and Management Act.

This bill appropriates:

- ▶ \$6,000 to the Senate for fiscal years 2004-05 and 2005-06;
- ▶ \$9,000 to the House of Representatives for fiscal years 2004-05 and 2005-06; and
- ▶ \$300,000 to the Office of Legislative Research and General Counsel for fiscal year 2004-05 only, for the purpose of providing economic, financial, and actuary services to the task force.

Fiscal note over \$10,000: Y

### S.B. 132 Health Care Consumer's Report (*Sen. A. Christensen*)

This bill amends the Utah Health Data Authority Act to require annual reports of comparisons between health care facilities based on certain designated quality, safety, and cost factors.

This bill:

- ▶ requires the Health Data Authority to publish reports at least annually that compare and identify health care facilities;
- ▶ requires the Health Data Authority to publish the data in a form that is easily accessible to the public; and
- ▶ requires the reports comparing health care facilities to be based on several designated factors.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## HEALTH CARE PROVIDERS

### H.B. 12 Health Care Assistants (*Rep. R. Lockhart*)

This bill repeals provisions related to health care assistants.

This bill:

- ▶ repeals provisions in the Nurse Practice Act that requires the registration of health care assistants by the Division of Occupational and Professional Licensing;
- ▶ makes technical amendments; and
- ▶ makes conforming amendments in the Human Services Code.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

### H.B. 13 Occupational and Professional Licensing Sunset Amendment (*Rep. R. Lockhart*)

This bill amends the Legislative Oversight and Sunset Act.

This bill:

- ▶ eliminates repeal dates for the licensure of certain occupations and professions by the Division of Occupational and Professional Licensing.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 25 Direct-entry Midwife Act (Rep. J. Biskupski)**

This bill modifies the Occupations and Professions Code by enacting the Direct-entry Midwife Act and makes related changes to the Health Care Providers Immunity from Liability Act.

This bill:

- ▶ provides for licensing of Direct-entry midwives by the Division of Occupational and Professional Licensing;
- ▶ provides for definitions relating to the practice of Direct-entry midwifery;
- ▶ creates the Licensed Direct-entry Midwife Board and sets forth its membership and duties;
- ▶ requires the division to establish a Licensed Direct-entry Midwife Formulary Committee and a licensed Direct-entry midwife formulary to define which prescription drugs can be obtained and administered by licensed Direct-entry midwives and to provide guidelines for their use;
- ▶ provides for disciplinary action, including administrative penalties, against licensed Direct-entry midwives;
- ▶ defines and provides penalties for unlawful and unprofessional conduct;
- ▶ sets standards for consultation with, collaboration with, referral to, and transfer to other health care providers and sets standards for liability under those circumstances; and
- ▶ brings licensed Direct-entry midwives within the scope of the Health Care Providers Immunity From Liability Act.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 66 Naturopathic Physician Amendments (Rep. J. Ferrin)**

This bill modifies provisions of the Naturopathic Physician Practice Act related to qualifications for licensure and financial interests of a licensee.

This bill:

- ▶ provides that an applicant seeking licensure as a naturopathic physician by endorsement shall pass examination requirements established by the division which the applicant has not passed in connection with licensure in another jurisdiction and which are available to the applicant to take without requiring additional professional education; and
- ▶ allows licensed naturopathic physicians to sell homeopathic remedies or dietary supplements from their offices.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**H.B. 198 Naturopathic Formulary Peer Committee Amendments (Rep. J. Ferrin)**

This bill modifies the composition of the naturopathic formulary advisory peer committee.

This bill:

- ▶ changes the composition of the naturopathic formulary advisory peer committee by increasing from one to three the number of naturopathic physicians on the committee who are not members of the licensing board; and
- ▶ eliminates the two board positions currently filled by licensed physicians and surgeons.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 27 Sunset Reauthorizations (Sen. L. A. Mansell)**

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2006 Annual General Session of the Utah Legislature.

This bill:

- ▶ reauthorizes certain named state entities and programs

that are scheduled to sunset before the 2006 Annual General Session; and

- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 55 Access to Patient Medical Records (Sen. P. Arent)**

This bill amends the Utah Medical Practices Act and the Osteopathic Medical Practice Act to require the appointment of a contact person for access to medical records in compliance with federal law and as a condition of licensure and license renewal.

This bill:

- ▶ requires an applicant for license under the Medical Practices Act and the Osteopathic Medical Practice Act to appoint a contact person for access to medical records in accordance with HIPAA and an alternate contact person for access to medical records;
- ▶ requires an applicant for renewal of a license to appoint a contact person for access to medical records and an alternate contact person;
- ▶ requires solo-practitioners to provide a method of notifying patients of the identity of the contact person and alternate contact person for access to medical records; and
- ▶ requires a licensee who is renewing a license to certify to the division that the licensee is in compliance with the requirement to appoint a contact person and alternate contact person for access to medical records.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 119 Rural Medical Residency Training Programs (Sen. P. Knudson)**

This bill amends the Medical Education Program to create and fund a rural medical residency training program and facilitates identification and tracking of workforce distribution.

This bill:

- ▶ defines terms;
- ▶ instructs the Medical Education Council to develop a pilot program for rural medical residency training subject to appropriations from the Legislature;
- ▶ sunsets the pilot program on July 1, 2015; and
- ▶ authorizes the Utah Medical Education Council to access the Division of Workforce Services database to identify changes in medical and health care workforce numbers and distribution.

This bill appropriates:

as an ongoing appropriation subject to future budget constraints, \$300,000 from the General Fund to the Medical Education Council to fund rural residency training programs.

Fiscal note over \$10,000: Y

**HEALTH INSURANCE****H.B. 33 Assistance for People with Bleeding Disorders (Rep. D. Litvack)**

This bill amends the Comprehensive Health Insurance Pool act to create a pilot program, establishes a grant process in the Department of Health for assistance to people with bleeding disorders, and creates an ongoing appropriation for fiscal year 2005-06 of \$250,000 from the General Fund to a bleeding disorders assistance grant program in the Department of Health.

This bill:

- ▶ creates a five-year pilot program within the Comprehensive Health Insurance Pool Act for disease and pharmaceutical management of bleeding disorders;
- ▶ permits enrollees in the pilot program to participate in a federal 340B discounted drug pricing program;
- ▶ requires the Comprehensive Health Insurance Pool to

- report on its claims experience and pharmaceutical costs under the pilot program;
- ▶ permits the Comprehensive Health Insurance Pool to terminate the pilot program under certain circumstances;
- ▶ establishes a grant program within the Department of Health for assistance to people with bleeding disorders; and
- ▶ makes technical corrections.

This bill creates an ongoing appropriation of \$250,000 from the General Fund to the Department of Health, for the 2005-06 fiscal year, for a grant program to assist people with bleeding disorders.

Fiscal note over \$10,000: Y

#### **H.B. 69 Federal Health Care Tax Credit Program Act** *(Rep. C. Oda)*

This bill modifies provisions related to the Federal Health Care Tax Credit Program Act.

This bill:

- ▶ deletes the date terminating authorization for the Department of Workforce Services relating to the federal health coverage tax credit program;
- ▶ deletes the requirement that the Department of Workforce Services prepare legislation;
- ▶ deletes the repeal date for the Federal Health Care Tax Credit Program Act; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

#### **H.B. 70 Health Discount Program Consumer Protection Act** *(Rep. J. Dunnigan)*

This bill enacts the Health Discount Program Consumer Protection Act in the Insurance Code to regulate the offer and marketing of health discount programs.

This bill:

- ▶ defines terms;
- ▶ describes the general scope and purposes of the act;
- ▶ requires a license to operate a health discount program unless the operator is already a licensed insurer in the state, and designates the term of the license;
- ▶ requires:
  - operators of health discount programs to disclose certain information to the commissioner prior to offering discount programs in the state;
  - disclosure of terms to enrollees prior to accepting money from the enrollees;
  - certain record keeping by operators of health discount programs; and
  - notice to the commissioner when certain information changes;
- ▶ creates certain advertising restrictions and requirements;
- ▶ makes health discount program operators subject to the provisions of:
  - Chapter 15, Unauthorized Insurers, Surplus Lines, and Risk Retention Groups; and
  - Chapter 31, Insurance Fraud Act; and
- ▶ enacts a provision in Chapter 31, Insurance Fraud Act, to designate certain intentional acts a felony.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

#### **H.B. 114 Children's Health Care Coverage Amendments** *(Rep. D. Hogue)*

This bill amends the permanent state trust fund for tobacco settlement monies and the Tobacco Settlement Restricted Account to increase funding for the Children's Health Insurance Program.

This bill:

- ▶ increases the amount annually appropriated from the Tobacco Settlement Restricted Account to the

Department of Health for the Children's Health Insurance Program from \$7,000,000 to \$10,300,000; and

- ▶ modifies the distribution of tobacco settlement monies between the Tobacco Settlement Restricted Account and the permanent state trust fund created by Utah Constitution Article XXII, Section 4.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

#### **H.B. 236 Health Insurance Law Amendments** *(Rep. J. Dunnigan)*

This bill amends provisions of the Insurance Code related to accident and health insurance policies and the Comprehensive Health Insurance Pool Act.

This bill:

- ▶ adds and amends Insurance Code definitions;
- ▶ eliminates a prohibition on requiring health maintenance organizations and limited health plans to provide conversion policies to persons residing outside their service areas;
- ▶ amends preexisting condition provisions for accident and health insurance policies;
- ▶ amends incontestability provisions for accident and health insurance policies;
- ▶ amends the definition of "Medicare Supplement Policy";
- ▶ amends the types of adverse benefit determinations which may be submitted for an independent review;
- ▶ amends the application of group accident and health policy conversion requirements;
- ▶ amends notice of the right to an individual conversion policy;
- ▶ amends Comprehensive Health Insurance Pool Act definitions, pool administrator provisions, eligibility requirements, and preexisting condition provisions; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

### **HUMAN SERVICES PROVIDERS**

#### **H.B. 64 Criminal Background Checks for Personal Care Attendants** *(Rep. F. Hunsaker)*

This bill amends the Human Services Code and the Judicial Code to provide for a criminal background check of a personal care attendant who receives public funds for the personal care attendant's services.

This bill:

- ▶ defines terms;
- ▶ provides the Department of Human Services with access to records to determine whether a personal care attendant is listed in the:
  - Licensing Information System of the Division of Child and Family Services;
  - juvenile court records as having a substantiated finding of severe child abuse or neglect; or
  - statewide database of the Division of Aging and Adult Services as having a substantiated finding of abuse, neglect, or exploitation of a vulnerable adult;
- ▶ provides that the Department of Human Services may inform a client, or the client's agent, of the status of a personal care attendant in the records described above;
- ▶ prohibits the Division of Aging and Adult Services and an area agency on aging from disbursing public funds to a personal care attendant, unless the personal care attendant successfully completes a background check;
- ▶ requires the Office of Licensing in the Department of Human Services to conduct a background check of a personal care attendant who desires to receive public funds; and
- ▶ makes technical changes.

No monies are appropriated in this bill.  
Fiscal note over \$10,000: N

**H.B. 279 Clinical Counselor - Title Change (Rep. L. Fowlke) VETOED**

This bill modifies provisions of the Professional Counselor Licensing Act related to professional counselors and certified professional counselor interns.

This bill:

- ▶ changes the designation of individuals licensed under the act from licensed professional counselor to licensed clinical counselor and from certified professional counselor intern to certified clinical counselor; and
- ▶ makes name conforming changes to the title of the act and the title of the licensing board.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 90 County Officers Serving on Boards of County Mental Health and Substance Abuse Providers (Sen. D. Thomas)**

This bill modifies provisions related to public officers ethics and county officers disclosures.

This bill:

- ▶ makes an exception to certain public officers ethics provisions and county officers disclosure provisions for county legislative body members who also serve on the governing body of a provider of county mental health and substance abuse services, if the county legislative body member does not participate in the process of selecting the provider.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 107 Licensure and Regulation of Programs and Facilities (Sen. T. Hatch)**

This bill amends the licensing provisions of Title 62A, Chapter 2, Licensure of Programs and Facilities, and related provisions.

This bill:

- ▶ modifies and enacts defined terms;
- ▶ amends the responsibilities and rulemaking duties of the Office of Licensing;
- ▶ lists grounds for refusing to renew a license;
- ▶ provides requirements for a human services program to obtain approval of educational service and funding plans;
- ▶ imposes requirements for licensing and for making rules regarding the licensing of residential treatment programs;
- ▶ requires applicants for a license to operate a residential treatment program to provide a description of the program and notice of intent to operate a residential treatment program to the governing body of the city or county where the program intends to operate;
- ▶ provides that a local government may request that the office designate a local government employee as a certified local inspector;
- ▶ describes the powers of, and restrictions on, a certified local inspector;
- ▶ describes the responsibilities of a local government relating to a certified local inspector;
- ▶ provides that records received by the Office of Licensing through reports and inspections shall be classified in accordance with the Government Records and Access Management Act;
- ▶ provides that Title 62A, Chapter 2, Licensure of Programs and Facilities, does not apply to boarding schools or certain licensed mental health professionals;
- ▶ provides that the Office of Licensing may place conditions on licenses;
- ▶ lists standards for determining whether to reissue a revoked license;

- ▶ provides that a revoked license may not be reissued until at least one year after final notice of the revocation is served;
- ▶ provides that a license may be suspended for up to one year;
- ▶ provides that full faith and credit be extended to an Indian tribe's licensure of tribal foster homes;
- ▶ permits records to be copied during administrative inspections;
- ▶ provides standards for:
  - conducting and reviewing background checks; and
  - granting persons direct access to children and vulnerable adults;
- ▶ provides that substance abuse treatment programs that provide services to adults only, are not required to submit identifying information to the Office of Licensing for criminal background checks;
- ▶ provides the Department of Human Services with access to records to conduct background checks;
- ▶ provides that the Department of Human Services may inform a local government that a certified local inspector applicant is listed in those records;
- ▶ provides that a person who is a representative of private residential treatment facilities shall be included on the Board of Child and Family Services; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

## MEDICAID

**S.J.R. 15 Joint Resolution Urging Medicaid Reform (Sen. P. Knudson)**

This joint resolution of the Legislature urges the United States Congress to reject cuts to Medicaid and work with states to institute Medicaid reform.

Fiscal note over \$10,000: N

**S.B. 126 Medical Benefits Recovery Act Amendments (Sen. S. Killpack)**

This bill amends the Medical Benefits Recovery Act within the Utah Health Code.

This bill:

- ▶ amends definitions;
- ▶ establishes a process for a recipient of state medical benefits to notify and obtain the consent of the Department of Health prior to taking action on a claim against a third party who may be obligated to pay for all or part of those benefits;
- ▶ establishes a process for the Department of Health to respond to the recipient's notice;
- ▶ requires the Department of Health to enter into a collection agreement with a recipient's attorney except in specified circumstances;
- ▶ specifies the conditions under which a recipient may proceed with a claim against a third party;
- ▶ makes clarifying changes;
- ▶ changes the ceiling for attorney's fees to a fixed rate;
- ▶ establishes deadlines for remitting funds assigned to and recoverable by the Department of Health;
- ▶ prohibits disbursement of funds from a claim until the Department of Health's claim has been paid;
- ▶ establishes a penalty and liability for noncompliance; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## MISCELLANEOUS

**H.J.R. 19 Joint Resolution Urging Health Care for Utah's Indigent and Needy Uninsured (Rep. L. Fowlke)**

This joint resolution of the Legislature urges that public

comment, research, and recommendations be provided and considered for the adoption of an authentic charity care system in the state of Utah.

Fiscal note over \$10,000: N

**S.B. 43 Penalty for Providing False Information to State Agency (Sen. P. Hellewell)**

This bill modifies the Criminal Code by providing certain penalties for providing false information to state or local government agencies.

This bill:

- ▶ provides that knowingly giving false information to a state or local government agency or personnel with the intent to imply that another person has committed an offense or to induce a change in a person's licensing or certification status is a class B misdemeanor.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 164 Individual Income Tax - Tax Credit for Live Organ Donation Expenses (Sen. K. Hale)**

This bill modifies the Individual Income Tax Act to provide a nonrefundable individual income tax credit.

This bill:

- ▶ provides definitions;
- ▶ provides a nonrefundable individual income tax credit for live organ donation expenses incurred during the taxable year for which a live organ donation occurs;
- ▶ grants rulemaking authority to the State Tax Commission; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

**S.B. 212 Child Care Investigations (Sen. P. Hellewell)**

This bill amends the Utah Child Care Licensing Act and the Government Records Access and Management Act.

This bill:

- ▶ provides definitions;
- ▶ creates a process for the Department of Health to follow when responding to a complaint about child care;
- ▶ limits disclosure of the name of a confidential complainant;
- ▶ limits the disclosure of identifying information related to a child care complaint that the department is unable to substantiate;
- ▶ specifies the classification of child care investigation records under the Government Records Access and Management Act in the case where the department is unable to substantiate a complaint, and limits the manner in which those records may be disclosed;
- ▶ specifies that any record related to a complaint by an anonymous complainant is a protected record and limits the manner in which it may be disclosed; and
- ▶ amends the list of items in the Government Records Access and Management Act designated as protected records.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.J.R. 14 Joint Resolution on Stroke Awareness (Sen. P. Knudson)**

This joint resolution of the Legislature urges that public and private entities partner with the Legislature to establish a stroke care system in the state.

Fiscal note over \$10,000: N

## OBESITY

**H.J.R. 11 Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies (Rep. P. Jones)**

This joint resolution of the Legislature urges the development of wellness policies to reduce obesity in children and adolescents.

Fiscal note over \$10,000: N

## PHARMACEUTICALS

**H.B. 268 Drug Utilization Review Committee Amendments (Rep. R. Lockhart)**

This bill amends the Health Code to require public notice and comment period for hearings held by the Drug Utilization Review Board.

This bill:

- ▶ requires 30 days advance public notice of a hearing held by the Drug Utilization Review Board; and
- ▶ requires the board to consider comments submitted by interested parties.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 50 Controlled Substance Amendments (Sen. P. Arent)**

This bill amends the Pharmacy Practice Act and the Controlled Substances Act to repeal the Controlled Substance Database Advisory Committee and assign the committee's duties to the State Board of Pharmacy. This bill allows authorized employees of the Department of Health access to the controlled substance database for scientific studies. This bill also allows the division to authorize by rule a prescriber's use of an electronic or digital signature in issuing prescriptions.

This bill:

- ▶ amends the functions of the State Board of Pharmacy to include its duties regarding the controlled substance database; and
- ▶ requires that Department of Health employees having access to the controlled substance database maintain the confidentiality of persons and pharmacies in the database.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 142 Pharmacy Practice Act Amendments (Sen. P. Knudson)**

This bill makes technical and clarifying changes to the Pharmacy Practice Act.

This bill:

- ▶ clarifies and modifies definitions;
- ▶ updates an organization name;
- ▶ amends the definition of "unprofessional conduct"; and
- ▶ makes technical and clarifying changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## PUBLIC HEALTH

**S.B. 74 Medical Reserve Corps (Sen. L. Hillyard)**

This bill authorizes the local departments of health to create and activate a medical reserve corps during times of an emergency or national disaster.

This bill:

- ▶ authorizes the local department of health to organize, activate, and supervise a medical reserve corps during a time of declared public health emergency or disaster;
- ▶ amends the Occupational and Professional Practices Act to permit retired health care professionals to serve in a medical reserve corps during a time of disaster or emergency; and
- ▶ clarifies that the Good Samaritan laws apply to health care professionals who volunteer during a declared emergency or disaster.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

**S.B. 150 Food Safety Manager Certification (Sen. D. Peterson)**

This bill amends the Health Code related to food service establishment requirements for hazardous foods.

This bill:

- ▶ amends the definition of a potentially hazardous food;
- ▶ amends the requirement for the management by a full-time food safety manager; and
- ▶ amends exemptions to food service establishments.

No monies are appropriated in this bill.

Fiscal note over \$10,000: NA

Fiscal note over \$10,000: N

#### **H.R. 10 Resolution Supporting Participation of Taiwan in World Health Organization (*Rep. B. Last*)**

This resolution of the House of Representatives urges the Bush Administration to support Taiwan's participation in the World Health Organization.

This resolution:

- ▶ urges the Bush Administration to support Taiwan in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and
- ▶ urges that United States' policy should include the pursuit of an initiative in the WHO which will give Taiwan meaningful participation in the manner that is consistent with the organization's requirements.

Fiscal note over \$10,000: N

## **SUBSTANCE ABUSE**

#### **S.B. 135 Drug Courts Pilot Project (*Sen. L. Hillyard*)**

This bill allows for the creation of drug courts in any judicial district, and the creation of a Drug Board Pilot Project in Davis and Weber counties for intensive substance abuse treatment.

This bill sets out participant screening criteria, and requires participation by the Board of Pardons and Parole.

This bill:

- ▶ allows any judicial district to create a drug court; and
- ▶ allows creation of a pilot drug board to oversee intensive substance abuse treatment for parolees under conditions set out by the Board of Pardons and Parole and the Department of Corrections.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

## **TOBACCO**

#### **S.B. 206 Nonparticipating Tobacco Manufacturer Amendments (*Sen. S. Killpack*)**

This bill amends the Cigarette and Tobacco Tax and Licensing Act to enact additional enforcement provisions complimentary to the Master Settlement Agreement.

This bill:

- ▶ defines terms;
  - ▶ creates a certification requirement for participating and nonparticipating tobacco product manufacturers;
  - ▶ requires the tax commission to create and maintain a directory of manufacturers in compliance with the certification requirements;
  - ▶ prohibits stamping agents from applying stamps to products not listed as in compliance on the commission's directory;
  - ▶ requires nonresident or foreign nonparticipating manufacturers to appoint an agent for service of process in the state;
  - ▶ requires certain reporting requirements for stamping agents in the state;
  - ▶ establishes rulemaking authority for the commission;
  - ▶ provides for license revocation and penalties;
  - ▶ enacts miscellaneous provisions regarding:
    - phase-in of reporting requirements;
    - disgorgement of profits for violations; and
    - recovery of costs and attorney's fees by the state;
  - ▶ creates the Tobacco Control Restricted Account which consists of profits and gains ordered by the court to be deposited into the account for a violation of this part to be used for enforcement of the act; and
  - ▶ makes technical and conforming amendments.
- No monies are appropriated in this bill.