

BILLS NOT PASSED
RELATED TO HEALTH AND HUMAN SERVICES
2005 ANNUAL GENERAL SESSION

AGING

H.B. 167 Elder Protection Provisions (Rep. P. Jones)

This bill provides for the protection of elder adults, clarifying provisions concerning the appointment of a guardian or conservator and payment of attorneys' fees for specific proceedings.

This bill:

- ▶ provides for the award of attorneys' fees to a prevailing party in an action against a perpetrator for exploitation of an elder adult;
- ▶ requires that an incapacitated or protected person or their estate be required to pay attorneys' fees and costs for an action to appoint a guardian or conservator if a guardian or conservator is appointed by a court; and
- ▶ clarifies that the guardian of an incapacitated person may be granted the same powers as a conservator, if a conservator is not also appointed.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 310 Aging and Adult Services Program Amendments (Rep. E. Hutchings)

This bill adds home and community based in-home care programs to the responsibilities of the Division of Aging and Adult Services.

This bill:

- ▶ adds home and community based in-home care programs to the responsibilities of the Division of Aging and Adult Services.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

CHILD WELFARE

H.B. 77 Provisions for Emancipation of a Minor (Rep. R. McGee)

This bill creates a procedure by which a minor 16 years of age or older may petition the juvenile court for a declaration of emancipation.

This bill:

- ▶ creates a procedure for a minor to petition the court for emancipation;
- ▶ provides criteria for a court in determining whether to emancipate a minor;
- ▶ provides definitions;
- ▶ sets out rights and responsibilities of an emancipated minor; and
- ▶ provides a filing fee of \$50 for the petition.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 115 Utah Child Abuse Prevention Board (Rep. P. Ray)

This bill creates the Utah Child Abuse Prevention Board and transfers oversight of the Children's Trust Account from the Child Abuse Advisory Council and the Board of Child and Family Services to the Utah Child Abuse Prevention Board created by this bill.

This bill:

- ▶ defines terms;
- ▶ changes the name of the Children's Trust Account to the Children's Trust Fund;
- ▶ describes how funds in the Children's Trust Fund may be used;

- ▶ creates, within the governor's office, the Utah Child Abuse Prevention Board and lists the duties and powers of the board;
- ▶ provides that the board is the sole entity with the authority to administer the Children's Trust Fund;
- ▶ establishes membership of the board;
- ▶ provides for the organization of the board, including:
 - the appointment of a chair; and
 - the creation of committees;
- ▶ provides that members of the board serve without pay, but are entitled to a per diem and reimbursement for expenses;
- ▶ creates the position of executive director of the Children's Trust Fund as a cabinet level position and establishes the executive director's duties and compensation;
- ▶ provides for staff support of the board;
- ▶ eliminates the responsibility of the Child Abuse Advisory Council and the Board of Child and Family Services to oversee the Children's Trust Account or Children's Trust Fund; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

H.B. 202 Revisions to Child Welfare (Rep. W. Harper)

This bill amends child welfare provisions of the Utah Human Services Code, the Utah Criminal Code, and the Judicial Code, and repeals the pilot program for differentiated responses to child abuse and neglect reports.

This bill:

- ▶ defines terms and modifies definition provisions;
- ▶ provides that abuse and neglect do not include accidental conduct;
- ▶ removes the requirement that the Division of Child and Family Services provide services to unwed parents;
- ▶ provides that a substantiated finding by a court that abuse or neglect occurred must be based on clear and convincing evidence;
- ▶ provides that a supported finding by the Division of Child and Family Services, upon completion of an investigation, must be based upon a determination that it is more likely than not that abuse, neglect, or dependency occurred;
- ▶ lists the training that a child welfare caseworker is required to receive;
- ▶ deletes and repeals the provisions relating to the pilot program for differentiated responses to child abuse and neglect reports;
- ▶ lists the rights and responsibilities of parents and the state, including those related to discipline and medical and mental health care of a child;
- ▶ provides that in an adjudicative proceeding to challenge a supported finding by the Division of Child and Family Services, the division has the burden of proving the finding by clear and convincing evidence;
- ▶ limits the ability of the Division of Child and Family Services to withhold family preservation services;
- ▶ addresses family preservation services and procedures for conducting an investigation and developing a treatment plan;
- ▶ clarifies when services should be provided to eliminate the need to remove a child from the custody of the child's parent or guardian;

- ▶ expands the information that must be provided to a parent or guardian when the child of the parent or guardian is taken into protective custody;
- ▶ requires that all reasonable efforts be made to notify the parent or guardian of a child taken into protective custody;
- ▶ amends provisions relating to a treatment plan for a child in the temporary custody of the Division of Child and Family Services;
- ▶ lists the circumstances under which parental visitation may be denied by a court or the Division of Child and Family Services;
- ▶ lists the circumstances where reporting of abuse or neglect is required;
- ▶ describes when the Division of Child and Family Services is required to make a prerule investigation;
- ▶ provides that when the Division of Child and Family Services is required to inform a parent of an interview prior to interviewing a child, the division must inform the parent of the specific allegations concerning the child and the time and place of the interview;
- ▶ lists circumstances under which a parent or guardian is not guilty of child abuse or neglect of a disabled child;
- ▶ describes when a court may order medical care for a disabled child;
- ▶ describes the authority of a guardian;
- ▶ describes and limits the circumstances where a court can issue a search warrant or subpoena in a protective custody matter;
- ▶ limits the authority of a court to order medical and mental health treatment of a child;
- ▶ requires that when placing a child in guardianship or legal custody, a court shall take into consideration the religious preferences of a minor and the minor's parents;
- ▶ limits the circumstances under which a court may order that a child be placed into protective custody;
- ▶ clarifies the evidence that may be presented by a parent or guardian at a shelter hearing;
- ▶ requires that a court honor, as nearly as practicable, a request by a parent or guardian to continue a shelter hearing;
- ▶ increases the burden of proof for maintaining a child in protective custody to a clear and convincing evidence standard;
- ▶ describes when a court must order a child released from protective custody;
- ▶ describes the circumstances under which the Division of Child and Family Services and the court are required to provide services to:
 - maintain or return a child to the child's home; or
 - attempt to rehabilitate an offending parent;
- ▶ addresses reunification services;
- ▶ requires that a petitioner in a proceeding to terminate parental rights establish the facts beyond a reasonable doubt;
- ▶ describes the circumstances under which a court can order the termination of parental rights;
- ▶ establishes a rebuttable presumption that discipline of a child by a parent does not constitute abusive conduct;
- ▶ provides that upon granting a voluntary relinquishment of parental rights, a court may enter an order relating to the child's health and safety;
- ▶ increases the time within which a court must hold a permanency hearing from eight months to 12 months; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

H.B. 278 Termination of Parental Rights for Murder or Attempted Murder (Rep. J. Biskupski)

Introduced by Short Title

Fiscal note over \$10,000: NA

H.B. 298 Foster Placements (Rep. N. Hansen)

Introduced by Short Title

Fiscal note over \$10,000: NA

H.B. 303 Shelter Hearing Amendments (Rep. E. Hutchings)

This bill provides that when making a placement of a child with a noncustodial parent or relative that the court consider whether the noncustodial parent or relative is a member of a gang that engages in a pattern of criminal activity.

This bill:

- ▶ requires the court to order the Division of Family Services to provide sufficient information so the court can determine whether the noncustodial parent or relative with whom a child placement is being considered belongs to a gang whose members engage in a pattern of criminal activity; and
- ▶ provides a definition of a gang.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 341 Child and Family Services Records (Rep. S. Mascaro)

This bill adds specific items to what can be redacted from Child and Family Services records.

This bill:

- ▶ adds the following information to the list of what can be redacted from requested records:
 - information received from BCI or NCIC;
 - psychological or psychiatric records; and
 - discussions between a division employee and attorney.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 352 Mandatory Minimum Sentencing for Child Molesters (Rep. C. Frank)

Introduced by Short Title

Fiscal note over \$10,000: NA

S.B. 112 Child Protection Amendments (Sen. G. Bell)

This bill amends the child protection and custody provisions of the Child and Family Services chapter of the Human Services Code and the Juvenile Courts chapter of the Judicial Code.

This bill:

- ▶ defines terms, including the terms "immediate danger" and "imminent threat";
- ▶ describes the circumstances and procedures under which a minor may be taken into custody;
- ▶ provides that a minor may not be taken into temporary custody without a court order or a warrant unless the minor is in immediate danger;
- ▶ provides that a warrant to take a minor into protective custody may be issued without providing the parent or guardian with notice and an opportunity to be heard, if there is probable cause to establish that there is an imminent threat to the minor;
- ▶ specifies when a shelter hearing is required;
- ▶ establishes the circumstances and procedures under which a court may hold an expedited hearing to determine whether a minor should be placed in temporary custody;
- ▶ provides that an expedited hearing to determine whether a minor should be placed in temporary custody constitutes a shelter hearing;

- ▶ consolidates existing code provisions;
- ▶ provides that an endorsement by a court on a summons directing that a minor be taken into custody is subject to the same restrictions that are placed upon a court for the issuance of a warrant to take a minor into custody; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 160 Child Support Exemption for Adoptive Parents of Certain Children in State Custody (Sen. P. Hellewell)

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

This bill:

- ▶ prohibits the Office of Recovery Services, within the Department of Human Services, from collecting child support from a parent if the parent adopted the child from or through the Division of Child and Family Services or the equivalent agency of any state, district, or territory of the United States:
 - unless the child is removed from the custody of the parent because the minor is an abused child; or
 - except to the extent that failure to collect child support would constitute a violation of Title 78, Chapter 45, Uniform Civil Liability for Support Act;
- ▶ prohibits a court from ordering a parent to pay child support for a minor in state custody, or a minor placed with an individual by a court, if the parent adopted the child from or through the Division of Child and Family Services or the equivalent agency of any state, district, or territory of the United States:
 - unless the child is in the custody of the state due to the fault of the parent; or
 - except to the extent that failure to enter an order to pay child support would constitute a violation of Title 78, Chapter 45, Uniform Civil Liability for Support Act; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

S.B. 165 Child Welfare Services (Sen. P. Hellewell)

This bill amends provisions of the Utah Human Services Code relating to family preservation services and funding.

This bill:

- ▶ requires the Division of Child and Family Services, within the Department of Human Services to apply for, and make a substantial effort to obtain, a federal waiver for a child or family receiving family preservation services if:
 - the family preservation services may be safely provided while the child remains in the physical custody of a parent or guardian of the child; and
 - obtaining a federal waiver may make it possible for the family preservation services to be provided while the child remains in the physical custody of a parent or guardian of the child; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 186 Child Welfare Removal - Adoption Option (Sen. P. Hellewell)

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

This bill:

- ▶ requires that a notice of the rights of parents be included in the written statement that is made available

- to the parent, guardian, or responsible relative of a child when the child is taken into protective custody;
- ▶ establishes a procedure for a parent of a child taken into custody by the Division of Child and Family Services, who voluntarily waives the parent's parental rights within a specified period of time, to:
 - participate in the selection of the adoptive parents;
 - receive general, nonidentifying information regarding the adoptive parents and the adoptive family; and
 - receive annual updates on the status and progress of the child;
- ▶ provides that a parent may waive the rights established by this bill;
- ▶ provides exceptions to the requirements of this bill;
- ▶ provides restrictions on the disclosure of certain records;
- ▶ provides a criminal penalty for the unlawful disclosure of certain records;
- ▶ requires that a statement of the rights of parents be attached to:
 - a petition to commence proceedings in the juvenile court alleging that a child is abused, neglected, or dependent; and
 - a petition for termination of a parent's parental rights; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

DEPARTMENT OF HEALTH

S.B. 232 Executive Director of Department of Health Issues (Sen. S. Killpack)

This bill amends the State Officer Compensation.

This bill:

- ▶ permits the governor to establish a salary for the executive director of the Department of Health that distinguishes between a physician or nonphysician executive director.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 236 Compensation for Executive Director of Department of Health (Sen. P. Knudson)

Introduced by Short Title

Fiscal note over \$10,000: NA

S.B. 201 Center for Multicultural Health (Sen. D. C. Butters)

This bill modifies the duties of the Center for Multicultural Health and increases the center's funding.

This bill:

- ▶ modifies the duties of the Center for Multicultural Health within the Department of Health;
- ▶ creates additional duties for the center;
- ▶ increases the ongoing appropriation to fund the center; and
- ▶ makes technical changes.

This bill appropriates as an ongoing appropriation subject to future budget constraints, \$300,000 from the General Fund for fiscal year 2005-06 to the Department of Health to fund the Center for Multicultural Health.

Fiscal note over \$10,000: Y

H.B. 371 Designation of Next of Kin with Department of Health (Rep. J. Biskupski)

Introduced by Short Title

Fiscal note over \$10,000: NA

DISABILITIES

H.B. 88 Air Conditioned Buses for Students with Disabilities (*Rep. D. Hogue*)

This bill establishes an incentive program for school districts to provide air conditioning on vehicles that transport students with disabilities.

This bill:

- ▶ establishes an incentive program providing matching funds to school districts to equip vehicles that transport students with disabilities with air conditioning; and
- ▶ provides a repeal date for the incentive program.

This bill appropriates \$320,000 from the Uniform School Fund for fiscal year 2004-05 only, to fund the incentive program.

Fiscal note over \$10,000: Y

HEALTH CARE FACILITIES

H.B. 161 Injury Reporting Requirement Amendments (*Rep. J. Murray*)

This bill amends the injury reporting requirements by health care providers.

This bill:

- ▶ requires health care providers to report to a law enforcement agency when a person suffers any wound or other injury from an accident involving an off-highway vehicle.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 294 Regulation of Assisted Living Facility Amendments (*Rep. R. Lockhart*)

Introduced by Short Title

Fiscal note over \$10,000: NA

S.B. 45 Charitable Purpose Determination (*Sen. P. Hellewell*)

This bill amends provisions of the Property Tax Act relating to the charitable property tax exemption provided for in Utah Constitution, Article XIII, Section 3, Subsection (1)(f).

This bill:

- ▶ defines the term "bad debt";
- ▶ clarifies that failure by a nonprofit entity to collect bad debt is not considered charitable assistance for purposes of determining whether:
 - property owned by the nonprofit entity is used exclusively for charitable purposes; or
 - the nonprofit entity requires a person to pay, in whole or in part, for the goods or services provided by the nonprofit entity; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

HEALTH CARE PROFESSIONS

H.B. 106 Regulation of Noncompete Agreements in Medical Practices (*Rep. R. McGee*)

This bill amends the Utah Medical Practice Act.

This bill:

- ▶ defines terms;
- ▶ prohibits a noncompetition clause in a contract or agreement which creates an employment, partnership, or professional relationship with a physician; and
- ▶ applies to contracts entered into after the effective date of this act.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 272 Patient Access to Providers and Contracting Amendments (*Rep. R. Lockhart*)

This bill amends the Insurance Code to modify the conditions under which a health care provider may bring an action against a health maintenance organization or preferred provider organization for payment, and requires objective provider contracting provisions.

This bill:

- ▶ specifies when a participating provider in a health maintenance organization may bring an action for enforcement of payment;
- ▶ specifies when a participating provider in a preferred provider organization may bring an action for enforcement of payment;
- ▶ requires comparable payment of network providers when the network's panel of providers are leased to another unaffiliated entity;
- ▶ requires the use of objective criteria for adding or terminating a provider from an HMO or PPO panel; and
- ▶ prohibits an insurer from taking adverse action against a contracted provider when an insured decides to access health care outside the provider network.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 285 Nurse Practice Act Amendments (*Rep. R. Lockhart*)

This bill amends the Nurse Practice Act to create a certified nurse aide and certified medication aide in long-term care facilities.

This bill:

- ▶ defines a certified nurse aide and certified medication aide and the practice of a certified nurse aide and certified medication aide;
- ▶ creates a pilot program for the certified medication aide which sunsets on May 15, 2009;
- ▶ requires coordination between the Department of Health and the Division of Occupational and Professional Licensing in certifying and tracking certified nurse aides;
- ▶ provides that funding of the nurse aide certification program will come from Medicaid and Medicare funding that is secured by the Department of Health;
- ▶ establishes qualifications and training for a certified nurse aide and certified medication aide;
- ▶ amends provisions related to unlawful and unprofessional conduct; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

H.B. 328 Rural Health Care Infrastructure (*Rep. M. Noel*)

This bill modifies provisions of the Utah Medical Practice Act.

This bill:

- ▶ creates an administrative penalty for licensed medical practitioners in rural areas who make a referral to a facility in which they have a financial interest;
- ▶ creates definitions for health care facilities and licensee-owned health care facilities;
- ▶ prohibits licensed medical practitioners in rural areas from making a referral to a facility in which they have a financial interest if the financial interest is created after January 1, 2005; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 344 Regulation of Phlebotomists (Rep. M. Wheatley)

Introduced by Short Title

Fiscal note over \$10,000: NA

S.B. 34 Patient Access Reform (Sen. D. C. Buttars)

This bill amends provisions related to access to health care providers in the Health Maintenance Organization Chapter of the Insurance Code.

This bill:

- ▶ restricts the right of health maintenance organizations with more than a 30% market share in its service area from leasing or brokering the HMO provider panel to other health insurers in the same service area;
- ▶ provides that a health maintenance organization must reimburse an insured for services of a health care provider who is not under contract if those services are otherwise covered by the insurance plan;
- ▶ establishes the reimbursement rate for noncontracted providers;
- ▶ allows the health maintenance organization to impose a deductible for noncontracted providers;
- ▶ requires the insurer to make payment directly to the health care provider for out-patient services;
- ▶ clarifies the payment responsibilities of the insured;
- ▶ prohibits a nonparticipating provider who accepts the 95% reimbursement rate from charging the insured for additional costs; and
- ▶ allows the health maintenance organization to impose quality control measures on noncontracted health care providers.

No monies are appropriated in this bill.

Fiscal note over \$10,000: NA

S.B. 113 Employee Noncompetition Contracts (Sen. E. Mayne)

This bill modifies the Judicial Code to address employee noncompetition contracts.

This bill:

- ▶ defines terms;
- ▶ provides when noncompetition contracts are permissible;
- ▶ provides when noncompetition contracts are unenforceable; and
- ▶ addresses enforcement when only a portion of the contract violates the statute.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 145 Prohibition Against Certain Medical Noncompetition Agreements (Sen. A. Christensen)

This bill amends the Utah Medical Practice Act to prohibit certain noncompetition agreements.

This bill:

- ▶ defines terms; and
- ▶ prohibits freestanding ambulatory surgical centers from restricting a physician's right to compete.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 214 Utah Midwifery Act (Sen. P. Julander)

Introduced by Short Title

Fiscal note over \$10,000: NA

S.B. 238 Good Samaritan Coverage of Health Providers Charity Care (Sen. M. Madsen)

Introduced by Short Title

Fiscal note over \$10,000: NA

HEALTH INSURANCE**H.B. 27 Health Insurance Fair Marketing Standards (Rep. S. Mascaro)**

This bill requires health insurance plans to provide information of general interest to consumers to facilitate comparison of different health benefit plans.

This bill:

- ▶ amends the disclosures required of health insurance benefit plans to include:
 - plan coverage for cancer screening; and
 - general information that will facilitate comparison of different health benefit plans by consumers;
- ▶ authorizes the insurance commissioner to adopt administrative rules to develop uniform standards for the health benefit plan disclosure; and
- ▶ clarifies that the disclosure requirement applies to health insurance plans and the Public Employee's Health Benefit Plan.

No monies are appropriated in this bill.

Fiscal note over \$10,000: NA

H.B. 85 Health Insurance High Risk Pool - Eligibility Amendments (Rep. D. Litvack)

This bill amends the Comprehensive Health Insurance Pool Act to expand eligibility for the pool to certain individuals involuntarily terminated from an individual health insurance policy.

This bill:

- ▶ allows a person who meets the criteria of uninsurable to qualify for the high risk pool when that person was involuntarily terminated from an individual health insurance policy; and
- ▶ makes technical amendments.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

H.B. 300 Health Care Savings Account Act (Rep. M. Dayton)

Introduced by Short Title

Fiscal note over \$10,000: NA

H.B. 351 Health Insurance Disclosure Requirements (Rep. B. Last)

Introduced by Short Title

Fiscal note over \$10,000: NA

S.B. 111 Amendments Prohibiting Health Insurance Discrimination (Sen. S. McCoy)

This bill amends the Accident and Health Insurance Chapter of the Insurance Code to require health insurance policies and health maintenance organization contracts to provide coverage for the cost of prescriptive contraceptives.

This bill:

- ▶ requires health insurance policies and health maintenance organization contracts to provide coverage for the cost of prescriptive contraceptives;
- ▶ defines contraceptives article; and
- ▶ provides a religious exemption for coverage of prescriptive contraceptives.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 156 Health Insurance - Prompt Payment Amendments (Sen. M. Waddoups)

This bill amends claims practices related to health care providers under the Insurance Code.

This bill:

- ▶ amends the definition of provider in the health care providers claims practices act; and
- ▶ makes technical amendments.

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

HUMAN SERVICES PROVIDERS

H.B. 321 Background Checks for Boarding Schools *(Rep. B. Last)*

This bill amends the Utah Human Services Code to provide for a background check on a boarding school employee or an applicant for employment at a boarding school.

This bill:

- ▶ defines terms;
- ▶ provides the Department of Human Services with access to records to determine whether a boarding school employee or an applicant for employment at a boarding school 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 shall provide a boarding school with a statement of the status of a boarding school employee or an applicant for employment at the boarding school in the records described above if the boarding school:
 - provides the Department of Human Services with a release signed by the boarding school employee or applicant for employment at the boarding school;
 - provides the Department of Human Services with the required identifying information; and
 - pays a fee to the Department of Human Services to cover the cost of processing and providing the statement;
- ▶ grants rulemaking authority to the Department of Human Services to implement the provisions of this bill;
- ▶ requires the Department of Human Services to establish a fee for a boarding school to reimburse the Department of Human Services for the cost of processing and providing the statement regarding the status of a boarding school employee or an applicant for employment at the boarding school in the records described above; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 176 Programs and Facilities Licensing Amendments *(Sen. D. C. Buttars)*

This bill amends provisions of the Utah Human Services Code relating to licensing of programs and facilities.

This bill:

- ▶ defines terms;
- ▶ changes definitions;
- ▶ provides that a boarding school:
 - is not a "human services licensee" or "licensee"; and
 - is not subject to regulation and licensing by the Office of Licensing within the Department of Human Services;
- ▶ removes the provision that day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service;
- ▶ provides that a therapeutic school:
 - is a "human services licensee" or "licensee"; and
 - is subject to regulation and licensing by the Office of Licensing within the Department of Human Services; and

- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

MEDICAID

H.B. 31 Vision Care for Medicaid Recipient *(Rep. S. Mascaro)*

This bill appropriates \$1,126,600 from the General Fund to the Department of Health to restore vision care benefits to the state's Medicaid program.

This bill:

- ▶ appropriates money to the Department of Health to restore vision care benefits to the Medicaid program.

This bill:

- ▶ appropriates \$1,126,600 from the General Fund for fiscal year 2004-05 only, to the Department of Health, to be used to restore vision care benefits.

Fiscal note over \$10,000: Y

H.B. 32 Dental Services for Adults on Medicaid *(Rep. S. Mascaro)*

This bill appropriates \$5.7 million from the General Fund to the Department of Health to restore dental benefits to the state's Medicaid program.

This bill:

- ▶ appropriates money to the Department of Health to restore dental benefits to the Medicaid program and to increase the rates paid for the dental services to levels equivalent to the Public Employee's Health Plan.

This bill:

- ▶ appropriates \$5.7 million from the General Fund for fiscal year 2004-05 only, to the Department of Health, to be used to restore dental benefits.

Fiscal note over \$10,000: Y

H.B. 304 Premium Assistance Program for Covered-at-work *(Rep. K. Holdaway)*

This bill appropriates state funds to increase the state's premium subsidy for the Covered-At-Work Program and directs the Department of Health to seek an amendment to the state's Primary Care Network waiver granted by the federal government.

This bill:

- ▶ appropriates \$360,000 from the General Fund to the Department of Health to increase the premium subsidy amount for persons eligible for the Covered-At-Work Program by \$15 per month for a maximum of 2,000 qualifying persons; and
- ▶ directs the Utah Department of Health to seek and amendment to the 1115 Primary Care Network Waiver's premium subsidy component, also known as Covered-At-Work that would do the following:
 - increase the five-year individual monthly premium subsidy amount, currently consisting of varying amounts per year, to \$85 per year for the five year period;
 - increase the five-year individual and spouse monthly premium amount, currently consisting of varying amounts per year, to \$170; and
 - reduce the number of federally authorized slots under the premium subsidy component of the waiver from 6,000 slots to 2,000 slots.

This bill appropriates:

- ▶ \$360,000 from the General Fund to the Department of Health.

Fiscal note over \$10,000: Y

H.B. 343 Medicaid - Pregnant Women Resource Test *(Rep. M. Wheatley)*

This bill amends the Medical Assistance Act in the Utah Health Code.

This bill:

- ▶ prohibits the Department of Health from imposing a Medicaid eligibility resource test for certain pregnant or postpartum women.

No monies are appropriated in this bill.

Fiscal note over \$10,000: Y

H.C.R. 12 Resolution Urging Congress to Provide Sufficient Funding of Medicaid (Rep. R. Bigelow)

Introduced by Short Title

Fiscal note over \$10,000: NA

MENTAL HEALTH

H.B. 178 Mental Health Services Coordinator (Rep. D. Hogue)

This bill creates the position of statewide coordinator for mental health services for the deaf and hard of hearing and funds the position.

This bill:

- ▶ creates the position of statewide coordinator for mental health services for the deaf and hard of hearing within the Department of Human Services, Division of Substance Abuse and Mental Health.

This bill appropriates:

- ▶ \$57,800 from the General Fund to the Department of Human Services for fiscal year 2005-06, for the purposes described in Section 62A-15-105.5.

Fiscal note over \$10,000: Y

H.B. 271 Commitment to Mental Health Authority (Rep. M. Noel)

This bill amends portions of the Utah Human Services Code related to designated examiners and involuntary commitment hearings.

This bill:

- ▶ creates and defines the terms:
 - senior designated examiner; and
 - junior designated examiner;
- ▶ provides that, for cases involving the commitment of a person to a mental health authority, the court shall appoint two designated examiners, including at least one senior designated examiner, to conduct an examination of a proposed patient;
- ▶ provides that if a senior designated examiner is not reasonably available to conduct an examination and appear in court, the court may appoint two junior designated examiners to conduct an examination of a proposed patient; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

MISCELLANEOUS

H.B. 110 Emergency Administration of Epinephrine (Rep. T. Kiser)

Introduced by Short Title

Fiscal note over \$10,000: NA

H.B. 111 Licensing of Child Care Centers - Oversight and Regulation (Rep. D. G. Buxton)

Introduced by Short Title

Fiscal note over \$10,000: NA

H.B. 241 Veterans Nursing Home (Rep. D. G. Buxton)

This bill modifies the Veterans Code to provide for the building of one or more veterans homes across the state.

This bill makes technical changes to language to accommodate more than one home within the state, and

appropriates \$4,500,000 from the General Fund as the state's match to build a new facility in Weber County.

This bill:

- ▶ modifies language in the Veterans' Nursing Home Act to accommodate more than one nursing home within the state.

This bill appropriates \$4,500,000 from the General Fund for fiscal year 2005-06 only, to the Division of Veterans' Affairs.

Fiscal note over \$10,000: Y

H.B. 340 Office of Recovery Services Fee (Rep. A. Tilton)

This bill requires the office of recovery services to establish fees to cover the costs of administering the child support program.

This bill:

- ▶ requires every decree of divorce to include a provision assigning the fee when one or both of the parties are receiving child support services; and
- ▶ amends the definition of child support to include fees.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 230 Health Law Amendments (Sen. F. Fife)

Introduced by Short Title

Fiscal note over \$10,000: NA

S.C.R. 7 Resolution Concerning Health Care Availability (Sen. G. Bell)

Introduced by Short Title

Fiscal note over \$10,000: NA

PHARMACEUTICALS

H.B. 244 Transfer of Prescriptions (Rep. N. Hansen)

This bill amends the Pharmacy Practice Act.

This bill:

- ▶ prohibits the Division of Occupational and Professional Licensing from limiting the number of times a prescription may be transferred among pharmacies; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

H.B. 354 Licensure of Wholesale Distributors of Prescription Drugs (Rep. B. Last)

This bill amends the Pharmacy Practice Act to increase the regulation of pharmaceutical wholesalers and distributors.

This bill:

- ▶ defines terms;
- ▶ establishes licensing requirements;
- ▶ establishes restriction on pharmaceutical transactions;
- ▶ requires the use of drug pedigrees;
- ▶ establishes enforcement mechanisms;
- ▶ describes prohibited acts; and
- ▶ imposes penalties.

No monies are appropriated in this bill.

Fiscal note over \$10,000: NA

S.B. 46 Prescriptive Practice of Legend Drugs (Sen. P. Knudson)

This bill amends the definition of unprofessional conduct and unlawful conduct in the Occupational and Professional Licensing Code regarding the issuance of a prescription for a drug or device.

This bill:

- ▶ defines the bona fide patient-practitioner relationship required for a prescribing practitioner to issue a prescription;
- ▶ repeals the provision that authorized the Division of Occupational and Professional Licensing to grant

exceptions to the bona fide patient-practitioner relationship by administrative rule; and

- ▶ makes technical amendments.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

PUBLIC HEALTH

H.B. 146 Vaccine Restrictions (Rep. E. Hutchings)

This bill amends the Health Code to prohibit the Department of Health from purchasing or distributing pediatric vaccines that contain thimerosal.

This bill:

- ▶ prohibits the Department of Health from purchasing or distributing pediatric vaccines that contain thimerosal, except in certain circumstances.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

SUBSTANCE ABUSE

S.B. 22 Drug Offender Reform Act (Sen. D. C. Butters)

This bill amends provisions regarding the Utah Substance Abuse and Anti-Violence Coordinating Council and the Code of Criminal Procedure to implement provisions regarding screening and assessment of offenders regarding substance abuse. These provisions are referred to as the Drug Offender Reform Act.

This bill:

- ▶ requires the Utah Substance Abuse and Anti-Violence Coordinating Council to coordinate and evaluate the implementation of the screening and assessment program;
- ▶ requires that on and after July 1, 2005, offenders convicted of an offense in violation of Title 58, Chapter 37, Utah Controlled Substances Act, participate in the screening and assessment process;
- ▶ requires that on and after July 1, 2006, offenders convicted of any felony offense participate in the screening and assessment process; and
- ▶ requires that the results of any screening and assessment of an offender be provided to the court prior to sentencing.

This bill appropriates:

- ▶ as an ongoing appropriation subject to future budget constraints, \$50,000 from the General Fund, for fiscal year 2005-06, to the Commission on Criminal and Juvenile Justice;
- ▶ as an ongoing appropriation subject to future budget constraints, \$1,814,720 from the General Fund, for fiscal year 2005-06, to the Department of Corrections;
- ▶ as an ongoing appropriation subject to future budget constraints, \$4,297,480 from the General Fund, for fiscal year 2005-06, to the Department of Human Services, of which a specified portion is to be used for drug courts; and
- ▶ as an ongoing appropriation subject to future budget constraints, \$94,500 from the General Fund, for fiscal year 2005-06, to the Administrative Office of the Courts.

Fiscal note over \$10,000: Y

S.B. 213 Substance Abuse Counselor Amendments (Sen. R. Allen)

Introduced by Short Title

Fiscal note over \$10,000: NA

TOBACCO

H.B. 166 Utah Indoor Clean Air Act Amendments (Rep. P. Ray)

This bill modifies the local ordinances provision of the Utah Indoor Clean Air Act.

This bill:

- ▶ allows the governing body of a local political subdivision to provide more stringent restrictions on smoking within a political subdivision than those provided by the Utah Indoor Clean Air Act.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N

S.B. 77 Amendments to Indoor Clean Air Act (Sen. M. Waddoups)

This bill amends the Indoor Clean Air Act to remove the exemption for private clubs and taverns.

This bill:

- ▶ removes the exemption for private clubs and taverns from the Indoor Clean Air Act;
- ▶ repeals the section of the Indoor Clean Air Act that grandfathered adjoining private clubs and public places that shared ventilation systems and were built prior to 1995; and
- ▶ makes technical amendments.

No monies are appropriated in this bill.

Fiscal note over \$10,000: N