

SUNSET REVIEW—DEPARTMENT OF HEALTH

An Introduction Prepared for the Health and Human Services Interim Committee

Office of Legislative Research and General Counsel

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COMMITTEE OVERSIGHT

DUTY "...each interim committee shall... investigate and study possibilities for improvement in government services within its subject area" (§36-12-5).

MECHANISMS

- Statutory reports (mandatory)
- New program reviews by auditor (mandatory)
- Legislative audits (upon request)
- Interim studies (upon request)
- Sunset reviews (upon request)

SUNSET REVIEWS

PURPOSE

- Repeal statutes that don't fulfill a clear public purpose
- Improve ability to meet public purpose
- Ensure responsiveness to public
- Ensure productivity

CRITERIA

- Original intent
- Relevance
- Accomplishments
- Barriers
- Duplication
- Public participation
- Impact of repeal
- Reauthorization period
- *Continue sunset review?*

2005 LEGISLATION

Pursuant to the 2004 Interim Committee's recommendation, the Legislature removed 17 professions and acts from the sunset statute. This removal was based on the following criteria recommended by DOPL at the request of the committee:

- significant potential harm will not result;
- the occupation or profession is regulated in all other states;
- there are well-recognized licensure and practice standards;
- there is sufficient regulatory activity as demonstrated by frequent statute and rule changes; and
- there are at least 50 licensees.

Thirteen occupational or professional acts remain subject to sunset review. Forty do not. All are also subject to DOPL oversight and regulation. Nearly all of the 13 subject to review fall within the Committee's purview.

2005 REVIEWS

- Health care providers immunity
- Safe relinquishment of newborn
- FACT
- Department of Health

DEPARTMENT OF HEALTH

SUNSET CONTEXT

- Only 20 of 81 Utah Code titles have at least one provision subject to sunset.
- Only 2 of 20 executive branch departments are subject to sunset review:
 - » Department of Workforce Services; and
 - » Department of Health.
- Six of 44 Health Code chapters are subject to sunset review:
 - » 1—general organization (2005)
 - » 5—specific functions (other years)
- About 1/3 (20-24) of all sunset reviews fall within the Committee's purview.
- Reviews are optional.

MANY POSSIBILITIES FOR REVIEW

Given the breadth of the Department of Health's duties and functions, the Committee may wish to focus its review on particular areas of interest.

For example, the Department is charged not only with protecting the public from disease and death, but also with:

- promoting wellness;
- regulating health care facilities;
- regulating child care providers;
- regulating the emergency medical services system;
- monitoring the costs of health care;
- fostering price competition in health care;
- administering organ donation funds;
- conducting postmortem examinations; and
- administering health care delivery programs (e.g., Medicaid and CHIP).

The Department's scope is further evident from the chapter headings in the Health Code.

HEALTH CODE CHAPTERS

(sorted alphabetically)

- 21a Breast Cancer.
- 5 Chronic Disease Control.
- 42 Civil Penalties For Tobacco Sales to Underage Persons.
- 6 Communicable Disease Control Act.
- 6b Communicable Diseases - Treatment, Isolation, and Quarantine Procedures.
- 25 Confidential Information Release.
- 1 Department of Health Organization.
- 23b Detection of Public Health Emergencies Act.

- 43 Disclosure of Ingredients in Cigarette and Tobacco Products Act.
- 6a Disease Testing and Workers' Compensation Presumption for Benefit of Emergency Medical Services Providers.
- 29 Elimination of Architectural Barriers for Persons with a Disability.
- 41 Emergency Injection for Anaphylactic Reaction.
- 23 Enforcement Provisions and Penalties.
- 26 Experimental Animals.
- 20 False Claims Act.
- 10 Family Health Services.
- 15a Food Safety Manager Certification.
- 15 General Sanitation.
- 45 Genetic Testing Privacy Act.
- 21 Health Care Facility Licensing and Inspection Act.
- 7 Health Promotion and Risk Reduction.
- 3 Health Statistics.
- 31 Human Blood.
- 23a Injury Reporting by Health Care Providers.
- 18a Kurt Oscarson Children's Organ Transplant Coordinating Committee.
- 18 Medical Assistance Act.
- 19 Medical Benefits Recovery Act.
- 4 Medical Examiner Act.
- 35a Nursing Care Facility Assessment Act.
- 18b Organ Donation Contribution Fund.
- 47 Prescription Drug Assistance.
- 30 Rights and Privileges of Blind and Disabled Persons.
- 9 Rural Health Services.
- 28 Uniform Anatomical Gift Act.
- 34 Uniform Determination of Death Act.
- 39 Utah Child Care Licensing Act.
- 40 Utah Children's Health Insurance Act.
- 9f Utah Digital Health Service Commission Act.
- 8a Utah Emergency Medical Services System Act.
- 46 Utah Health Care Workforce Financial Assistance.
- 33a Utah Health Data Authority Act.
- 38 Utah Indoor Clean Air Act.
- 2 Vital Statistics Act.

COMMITTEE ACTION

- (1) Determine whether to conduct a sunset review of the Department of Health;
- (2) determine whether to ask the Department to focus its sunset report on specific issues; and
- (3) consider continuation of last year's review of what health and human services statutes to include under the Sunset Act.