

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, June 17, 2009 – 9:00 a.m. – Room 250 State Capitol

Members Present:

Rep. Paul Ray, House Chair
Sen. Gregory S. Bell
Sen. Allen M. Christensen
Sen. David P. Hinkins
Sen. Patricia W. Jones
Sen. Luz Robles
Rep. Trisha S. Beck
Rep. Bradley M. Daw
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Kay L. McIff
Rep. Ronda Rudd Menlove
Rep. Phil Riesen
Rep. Evan J. Vickers

Members Absent:

Sen. D. Chris Buttars, Senate Chair
Rep. Stephen E. Sandstrom

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Cathy Dupont, Associate General Counsel
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ray called the meeting to order at 9:10 a.m. Sen. Buttars was excused from the meeting.

MOTION: Rep. Riesen moved to approve the minutes of the May 20, 2009 meeting. The motion passed unanimously. Sen. Bell, Sen. Jones, Rep. Daw, and Rep. Johnson were absent for the vote.

2. Pandemic Preparedness

Dr. Robert Rolfs, State Epidemiologist, distributed "Novel Influenza A (H1N1)." He noted Utah has one of the most active outbreaks. He said it is likely there will be a vaccine produced this summer and that it will be available in the fall. Dr. Rolfs pointed out that the Legislature should consider what needs to be done for the Legislature to be able to carry out its work in the event it is unable to meet together at the capitol due to a public health emergency.

Mr. Steve Jenkins, Summit County Health Officer, distributed "H1N1 Flu Response Costs" regarding Salt Lake Valley and Summit County Health Departments. He discussed the Park City school closures that took place in April and the actions taken to address the outbreak.

Ms. Dupont explained that after the September 11 attacks, the Legislature passed initiatives dealing with the Department of Health's (DOH) authority to deal with pandemics, epidemics, and quarantines and to respond where appropriate.

Chair Ray agreed that there is a need for the Legislature to look at different types of communication devices to take care of necessary actions without coming together as a body.

3. Division of Services for People with Disabilities

Ms. Lisa-Michele Church, Executive Director, Department of Human Services, distributed "Funding Services for Persons with a Disability." She discussed the impact of recent budget reductions on DSPD clients and staff, discussed the Department's approach to responding to the reductions, highlighted the magnitude of further potential reductions in clients and staff in FY11, identified policy issues that could be addressed in response to budget reductions, expressed her need for help in planning for further budget reductions, and answered questions of the Committee.

Mr. Alan Ormsby, Director, DSPD, gave an example of someone who is not yet able to receive services, but due to his actions could end up in the penal system. He stated that jail is not an appropriate placement for these individuals. He said that due to budget cuts 145 people as of July 1 will not have support services.

Chair Ray suggested staff draft a letter to the Legislative Management Committee requesting a joint meeting of the Committee and the Health and Human Services Joint Appropriations Subcommittee.

Ms. Church was asked to provide information in a future meeting on how much money DSPD services save the state, what impact these services have on quality of life for everyone, and how families have been impacted by budget cuts.

4. Open and Public Meetings Act

Mr. Vaughn provided training on the Open and Public Meetings Act. He indicated the training is required for all legislators.

5. Health Education in Public Schools

Rep. Lynn Hemingway discussed 2009 General Session H.B. 189, "Instruction in Health Amendments," which was included in the mailing packet. He distributed North Carolina House Bill 88, which provides parents the choice of two tracks, both of which emphasize abstinence from sexual behavior. The first track provides abstinence-only education. The second track, which can be taught only with parental permission, allows for additional medically factual information and the discussion of sexually transmitted diseases and pregnancy prevention. Rep. Hemingway has requested that a bill be drafted allowing for the use of the two separate tracks in Utah.

The Committee discussed various issues related to the bill. Rep. Hemingway was asked to provide more data on the success of abstinence-based education compared to other programs.

Mr. Paul Birch, Institute for Research and Evaluation, distributed "Comprehensive Sex Ed Doesn't Do Better than Abstinence Ed When Measured by Same Standards, Institute Says" and "Programs Cited in HHS 2010 Budget for New Federal Funding Eligibility." He noted that community programs have more evidence of effectiveness than school-based programs.

Ms. Missy Bird, Executive Director, Planned Parenthood of Utah, stated the issue is more than a discussion of sexuality. She said governments that engage in these discussions have an obligation to provide correct information. She expressed her support for Rep. Hemingway's proposal.

6. Interfacility Medical Transports

Rep. Mike Noel discussed 2009 General Session H.B. 273, "Contracting for Inter-facility Medical Transports," which did not pass. He explained that the proposal would allow cities within counties of the first or second class an opportunity to compete for non-911 interfacility transport service. It would also allow private hospitals the opportunity to make those same choices without undue government influence.

Chief Tom Shannon, Salt Lake City Fire Chief, indicated that although the city is happy with its current 911 vendor, its business relationship with the vendor limits the vendor's long-term viability due to the vendor's inability to compete for non-911 inter-facility transport service. He said that local jurisdictions should have the ability to control the delivery of non-911 service.

Mr. Ben McAdams, Senior Advisor to Salt Lake City Mayor Ralph Becker, explained why it is

financially difficult for a provider to deliver 911 service alone (without non-911 interfacility transport service) in Salt Lake City. He expressed concern that if the city's only options for 911 service become providing the service itself or relying on the non-911 service provider, then the city's ability to require the non-911 provider to meet city standards for the provision of 911 service is affected.

Mr. Jeff Hartley, representing Southwest Ambulance, stated that cities have the ability to compete with the private sector and many do. He indicated that some fire chiefs have expressed opposition to the proposed legislation because non-911 interfacility transport subsidizes their 911 services and is a revenue stream they can not afford to lose.

Mr. Doug Springmeyer, Assistant Attorney General, distributed and discussed an opinion letter on local jurisdiction ambulance service request for proposal authority. He said sections of the statute that refer to the authority of a political subdivision to contract are limited explicitly to 911 ambulance or paramedic service.

Mr. Lincoln Shurtz, Utah League of Cities and Towns, explained that cities, counties, and special districts cannot compete with the private sector on nonemergency transports unless they obtain a certificate of convenience and necessity. He said that there is huge debate in the League on this issue and that so far legislation has not been developed that addresses all of the various city situations. He indicated that although he did not believe Salt Lake City should be helped to bail out of a contract, he did think that legislation could be developed that would make Salt Lake City better off.

Mr. Brad Freeman, Lone Peak Fire District, said that current law is not providing the best care to the patient. He encouraged allowing hospitals, rather than cities, to decide who provides a non-911 interfacility transfer.

Sen. Curtis Bramble reviewed how the current statute evolved through two years of negotiations that included all stakeholders and an agreement that if the statute were to be changed in the future, the group would have to be reconvened. He argued that if the statute is going to be changed, then all parties ought to be involved.

Mr. Raleigh Bunch, General Manager, Southwest Ambulance, stated that all his company is asking for is the ability to contract directly with hospitals for the provision of non-911 interfacility transport services. He indicated that obtaining a certificate of convenience and necessity to provide non-911 service under the current law would require his company to criticize another provider, but his company is not going to do that.

Rep. Noel concluded by indicating that 911 services should be subsidized by taxpayers rather than non-911 services and that non-911 services should be open to competition to ensure the best service and lowest possible price.

7. Other Items / Adjourn

MOTION: Sen. Robles moved to adjourn. The motion passed unanimously.

Chair Ray adjourned the meeting at 12:20 p.m.