

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, August 19, 2009 – 9:00 a.m. – Room 250 State Capitol

Members Present:

Sen. D. Chris Butters, Senate Chair
Rep. Paul Ray, House Chair
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. Phil Riesen
Rep. Stephen E. Sandstrom
Rep. Evan J. Vickers

Members Absent:

Sen. Gregory S. Bell
Rep. Ronda Rudd Menlove

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 Butters called the meeting to order at 9:05 a.m.

MOTION: Sen. Christensen moved to approve the minutes of the June 17, 2009 meeting. The motion passed unanimously.

2. H1N1 Update

Dr. David N. Sundwall, Executive Director, Utah Department of Health (Department), stated that the H1N1 virus is subsiding in Utah, which was harder hit than many other states. He said the Department anticipates the virus will return in the fall, and he asked that all Utahns help to limit the spread of the virus. Dr. Sundwall indicated that Utah is receiving \$5.5 million in federal funds for public health emergency response to the virus.

Dr. Robert Rolfs, State Epidemiologist, said that Utah is working carefully to develop plans to provide H1N1 vaccines to those who need them. He stressed that the vaccine is not mandatory. Priority to receive the vaccine will be given to those 6 months to 24 years of age and to parents of, or caregivers for, children under 6 months old. Dr. Rolfs indicated that the Department is focusing on keeping schools healthy to avoid school closures.

3. Federal Health Care Reform --- Update and Debate

The following items were distributed to the Committee regarding this agenda item:

- House and Senate versions of federal legislation addressing health care reform (H.R. 3200 and the HELP bill)
- Memorandum and Background Materials for Discussion of Federal Health Care Reform
- Federal Health Care Reform, A quick look at where we are and selected issues of interest to state policymakers

- Get the Facts on Federal Health Care Reforms: Q &A
- National Health Reform Will Secure Coverage, Bend the Cost Curve & Ensure Quality
- News release, Utah Health Exchange Underscores Need for National Reform
- The Case for Affordable Health Care
- Health Reform is Key to Economic Recovery
- Report – Utah Small Business Healthcare Survey
- If Government Health Care Isn't Right for Utah, What Is?

Ms. Judi Hilman, Executive Director, Utah Health Policy Project, stated the main platform for reform has yet to be introduced. She noted that much of the information that has been distributed against the proposed legislation is not true. She explained that the aim of the national reform process is to guarantee secure, affordable health care coverage for all citizens. Ms. Hilman showed the DVD "The Spencers' Story" which illustrates one family's inability to start its own business because the mother is uninsurable.

Mr. Bill Rappleye, President, Draper Chamber of Commerce, stated there are nearly 60,000 small businesses in Utah that employ 50 percent of the state's workforce. He said the single biggest challenge facing small businesses is the cost of providing insurance to their employees. He stressed the need for state and federal comprehensive health insurance reforms.

Ms. Korey Capozza, Senior Health Policy Analyst, Voices for Utah Children, discussed issues facing working poor families and how national health reforms would address those issues. She outlined the options currently available to those who do not have job-based coverage and briefly discussed options provided in the national reform proposals.

Ms. Diane Knight, Orem resident, explained that both she and her husband were diagnosed with cancer in the same year. She detailed the timeline and events that led to her family being uninsurable. She said that the fear and distress of health insurance is more than the fear and distress of cancer itself and explained how she finally had to end decades of at-home self-employment in order to obtain insurance benefits through a public school employer. Ms. Knight said she only wants access to purchasing health insurance for her and her family.

Mr. Stan Rasmussen, Manager of Public Affairs, Sutherland Institute, said some issues in the debate on health care reform include whether health care is a right or a market good and the need for medical services versus the need for health insurance. He stated that health care is not a right but one of many human needs best addressed as a market good. For those not served by the marketplace, authentic charity care can fill the void.

Mr. Derek Monson, Policy Analyst, Sutherland Institute, said there are many regulations that make health care unnecessarily expensive. He agreed that changes to health care should be made, but indicated the changes being discussed at the national level are not the changes that are needed.

Mr. Rasmussen and Mr. Monson responded to questions from the Committee.

Sen. Buttars turned the chair over to Rep. Ray. Sen. Buttars referred to the federal legislation that was distributed to the Committee. He said the two bills represent more than 1,600 pages. He said not only are they long, but they are difficult to understand. He distributed "20 Concerns and Questions Regarding America's Affordable Health Choices Act of 2009." He indicated the legislation is a massive rationing of services and is as much about government control as it is about health care reform.

Ms. Hilman and Ms. Capozza responded that national reforms are aimed at controlling costs and going after the waste in the system.

Ms. Aleta Taylor, South Jordan, expressed concern that the language in the federal legislation gives too much power to the Secretary of Health and Human Services. She stated that Utah's health care reforms are working. She noted that only 8 percent of Americans are really uninsured. She said the proposed bill puts regulations on small businesses that will keep them from being able to afford quality health care and forces people into the public option.

Mr. Andrews referred the Committee to background materials distributed by staff, "Memorandum and Background Materials for Discussion of Federal Health Care Reform" and "Federal Health Care Reform: A quick look at where we are and selected issues of interest to state policymakers," and said that these materials contain several useful documents that outline many of the major provisions of the bills.

Mr. Ernie Sweat, President, Utah Association of Health Underwriters, stated that 2008 data indicates the average increase for health plans in Utah was 13 percent. He said the reason health insurance rates are expensive is because the cost of health care is expensive. He stressed the importance of addressing health care costs. He discussed cost shifting and pointed out that approximately 13 cents of every dollar that is paid for health insurance is going to offset what is not being paid on governmental programs. He discussed the issue of mandates and expressed his opposition to the federal legislation's mandates on businesses offering benefits.

Dr. Wendell A. Gibby, MD, said the federal legislation is a noble but misguided effort. He said the best health care program is a good job with an insurance plan. He stressed the need to emphasize personal responsibility. Dr. Gibby said that 50 percent of the health care costs in this country are self-inflicted. He stressed the need to strengthen the economy and have more competition in medicine.

Dr. Marcy Zwelling, MD, Coalition to Protect Patients Rights, pointed out that issues missing in the proposed federal bills are patient care and patient privacy. She said she does not favor handing over her patients' records to anyone. She noted that many of her colleagues are not going to participate in the federal stimulus legislation in order to protect their patients' rights and privacy. Dr. Zwelling noted that when patients have choice, they make good decisions for themselves. She also emphasized the importance of transparency.

Dr. Charles Stewart, MD, Coalition to Protect Patients Rights, said government solutions do not mean that problems are going to go away. He said he is very concerned that federal legislators not rush into something that will lessen access to health care. He said that having transparency of costs and services can lead to better and more affordable health care and access.

Dr. Terry Sellers, MD, said that he billed \$350 for a dilation and curettage and Medicare paid him \$17 for the procedure. He said he could see other situations such as this happening as a result of the federal legislation.

MOTION: Rep. Ray moved to adjourn the meeting. The motion passed unanimously.

Chair Buttars adjourned the meeting at 12:00 p.m.