

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**

Wednesday, June 14, 2000 - 2:00 p.m. -- Room 405 State Capitol

**Members Present:**

Sen. Robert F. Montgomery, Senate Chair  
Rep. Carl R. Saunders, House Chair  
Sen. Peter C. Knudson  
Sen. Steven L. Poulton  
Rep. Trisha S. Beck  
Rep. Jackie Biskupski  
Rep. Mary Carlson  
Rep. Rebecca D. Lockhart  
Rep. Karen W. Morgan  
Rep. Jack A. Seitz  
Rep. A. Lamont Tyler  
Rep. Richard L. Walsh

**Members Excused:**

Rep. Margaret Dayton  
Rep. Kory M. Holdaway  
Rep. Jordan Tanner

**Members Absent:**

Sen. D. Edgar Allen  
Sen. Paula F. Julander

**Staff Present:**

Mr. Mark D. Andrews  
Research Analyst  
Ms. Janetha W. Hancock  
Associate General Counsel  
Mr. R. Chet Loftis  
Associate General Counsel  
Ms. L. Kaye Clark  
Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order and Approval of May 17 Minutes** – Chair Montgomery called the meeting to order at 2:10 p.m.

**MOTION:** Rep. Walsh moved to approve the minutes of the May 17, 2000 meeting. The motion passed unanimously. Rep. Lockhart was absent for the vote.

**2. Standards for Involuntary Civil Commitment of Persons with a Mental Illness** – Chair Montgomery told the committee that during the 2000 General Session he sponsored S.B. 200, "Mental Health Commitment Amendments," which did not pass. He discussed background information including the purpose of the bill, the need to include specific language, and concerns about the bill expressed by some groups. He requested that the committee review the bill, hear testimony, and work to resolve any remaining issues.

Ms. Hancock presented an overview of the existing law regarding the criteria for involuntary commitment. She reviewed potential language for amending Utah's commitment standard, and reviewed several other states' statutes. See the handout "Involuntary Civil Commitment 'Dangerousness' Standard." Ms. Hancock discussed the legal importance of

including a time frame relevant to the dangerousness criteria, and reviewed state and federal case law regarding that issue.

Dr. Jay Fox, Chair, Utah State Board of Mental Health, stated that the Board supports S.B. 200 (2000 General Session).

Dr. Meredith Alden, Director, Division of Mental Health, stated that the division's interest in this bill is to get people into effective mental health services before their conditions deteriorate further. She said that Utah's law is flawed in that it requires "immediate" danger to self or others and it does not allow the introduction of past history at the initial commitment hearing. See handout "Testimony to Health and Human Services Interim Committee."

Ms. Fraser Nelson, Executive Director, Disability Law Center, discussed legal issues concerning lowering the standard for involuntary commitment and the need for increased community based services for people with mental illness. See handout "Disability Law Center, Submitted Testimony."

Mr. John Pace, Senior Attorney for Litigation, Disability Law Center, discussed public safety concerns, other states' legislation, and the use of advanced directives. See handout "Disability Law Center, Submitted Testimony."

Members of the public testified regarding their perspectives on involuntary civil commitment of persons with a mental illness. See handouts "Michelle Terry" and "Marcie Rentfro."

**MOTION:** Rep. Walsh moved to go to the next agenda item. The motion passed unanimously. Reps. Lockhart and Morgan were absent for the vote.

**3. Persons With a Disability – Work Incentives** – Mr. Gene Hofeling, Division of Health Care Financing, reviewed Medicaid eligibility provisions, including the spend down requirement, that create disincentives for people with disabilities to work or increase their earnings. He reported that Utah is preparing proposals for federal grants to develop state infrastructures to support working individuals with disabilities. See handout "Summary of Work Incentive Provisions for Medicaid."

Mr. Michael Deily, Director, Division of Health Care Financing, outlined a proposal to reduce the disincentives for people with disabilities to work and estimated the costs of the proposal. See handout "A Proposal: Medicaid Work Incentive Program for People with Disabilities." He recommended adoption of the program if funding is available.

Mr. Blaine Peterson, State Office of Rehabilitation; Mr. Jerry Causley, ARC; Dr. Alden, Division of Mental Health; and Ms. Chris Fawson, Legislative Coalition for People with Disabilities; spoke in favor of the proposed Medicaid program.

Mr. Spencer Pratt, Fiscal Analyst Office, stated that he would report the findings of the committee to the Health and Human Services Appropriations Subcommittee.

**MOTION:** Sen. Knudson moved that the committee support the Medicaid Work Incentive Program and communicate its support to the Health and Human Services Appropriations Subcommittee. The motion passed unanimously. Reps. Biskupski and Morgan were absent for the vote.

**4. Other Business** - Ms. Hancock informed the committee of a recent U.S. Supreme Court decision regarding grandparent visitation rights and the potential impact on Utah's law. She reported that the Supreme Court ruled that the state cannot interfere with fit parents' right to make decisions with regard to the care, custody, and control of their child based solely on the "best interest of the child" standard. Ms. Hancock explained that Utah's current statute may be subject to challenge. See handouts Troxel v. Granville and "S.B. 166, Grandparents Visitation Rights."

Chair Montgomery noted that the committee had received copies of the "Rural Mental Health Therapist Financial Assistance Committee" annual report as required in statute.

**5. Adjourn**

Chair Montgomery adjourned the meeting at 4:50 p.m.

