

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

Wednesday, July 12, 2000 - 2:00 p.m. -- Room 405 State Capitol

Members Present:

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

Members Excused:

Rep. Jordan Tanner

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 June 14, 2000 Minutes - Chair Montgomery called the meeting to order at 2:15 p.m. and welcomed the members of the committee.

MOTION: Rep. Tyler moved to approve the minutes of the June 14, 2000 meeting. The motion passed unanimously. Sens. Allen and Poulton and Reps. Biskupski and Walsh were absent for the vote.

2. Utah Comprehensive Health Insurance Pool (HIP) – Rep. Beck discussed her family's experiences dealing with catastrophic medical bills, a sick child, and being deemed 'uninsurable.' She discussed her involvement in the creation of the HIP. See handout "We were lucky."

Rep. Carlson reviewed the history of the HIP. She discussed issues including pre-existing conditions, 200% of standard risk, certificate of guaranteed issue, criteria for enrollment, and affordability of medical coverage under the HIP. She recommended the committee review the purpose, philosophy, and structure of the HIP.

Mr. Andrews presented an overview of the HIP including a description, its purpose, eligibility criteria, participants, and provisions. He also discussed HIP policy issues including adequacy, availability, affordability, and cost sharing. He reported that because claims paid exceed the premiums paid by the enrollees, the HIP requires funding by the legislature. See handout "Utah Comprehensive Health Insurance Pool."

A panel consisting of Ms. Dee Rowland, HIP Chair; Mr. Neal Gooch, Department of Insurance; and Mr. Jim Murray, Regence Blue Cross Blue Shield (HIP administrator); responded to questions from the committee regarding a recent 10% reduction in HIP premiums, the point system used to determine eligibility, affordability of the HIP, and requiring the individual insurance market to absorb HIP enrollees. Ms. Rowland stressed that the HIP is not a low-income program.

Mr. Troy Pritchett, Milliman and Robertson's, discussed the system used to determine risk levels associated with potential HIP enrollees.

Ms. Joan Ogden, actuary to the HIP Board, discussed claim costs and the recent reduction in premium rates. She also stated that the individual market cannot sustain itself without a subsidy from an outside source to cover uninsurable individuals.

Mr. Lynn Simons, HIP Executive Director, discussed funding of similar programs in other states.

Dr. Doug Hasbrook, HIP Board member, addressed issues raised by the committee.

3. Update on Seeking Dismissal of the Lisa P. Settlement Agreement – Mr. Steve Mikita, Attorney General's Office, reported that the Division of Services for People with Disabilities and the Disability Law Center have worked diligently over the last several months to work out certain stipulations that will lead to an anticipated dismissal of the Lisa P. Settlement Agreement. Mr. Mikita stated that he is waiting for review by the citizen boards of a couple of the signatories to the original lawsuit to review the matter and give their approval. He said there has been some question raised recently that the governor might want to review this matter before it is approved by the Department of Human Services and the Division. But for those rather perfunctory aspects, he anticipates a dismissal within the next couple of months.

Ms. Sue Geary, Director, Division of Services for People with Disabilities, commented the work agreed to under the settlement agreement is nearly complete. See handout "Lisa P. Settlement Agreement Status of Implementation as of 6/30/00."

Rep. Dayton asked if this is the end of patient reviews. Mr. Mikita said that patient reviews will come to an end under the Lisa P. Settlement Agreement, but there are annual reviews of patients with respect to federal requirements of ICFMRs as well as under the waiver. Therefore, he said, it does not mean that patients or residents of the Utah State Developmental Center won't undergo annual review. Ms. Geary added that the 27 outside independent reviews are now completed and the process completed.

Sen. Poulton asked if a dismissal means that the lawsuit will go away with no further responsibility to the state other than statutory responsibility. Mr. Mikita responded that the state has statutory responsibility with respect to federally required reviews and oversight. He said he does not anticipate that the court is going to be interested in having any oversight over this matter once a stipulation for its dismissal is submitted. The state may need to provide the court with some sort of historical perspective of where the state has been since the last time representatives from the attorney general's office appeared in court.

Sen. Poulton asked if the settlement means that the lawsuit is dismissed and there is no further judiciary function or agreement to get the settlement taken care of that the state is entering into of any kind. He also asked if the state will still have all the normal responsibilities and duties to meet all the normal statutory functions that are oversight functions, responsibilities to patients, and the normal things but nothing has been expanded by this settlement agreement nor by any court function. Mr. Mikita responded, "That is correct."

Ms. Fraser Nelson, Director, Disability Law Center, commented that the Disability Law Center represents the Advocates for the Rights of Citizens with Mental Retardation (ARC) and a number of plaintiffs in this case. She commented that the parties still need to meet to determine if they are in agreement with what, at least in theory, has been agreed to in ending the settlement. Sen. Poulton asked if what Mr. Mikita said was accurate. She responded, "Yes, absolutely."

Sen. Poulton commented that this is wonderful news for all. Chair Montgomery thanked all who were involved for their work on this matter.

Dr. Dean Robinson, President, Mental Retardation Association and parent of two sons at the Developmental Center, asked about the disagreement between the independent evaluator and the parents who want their children to stay in the Developmental Center. Ms. Geary responded that the Board will review that issue on July 13, 2000 and hopefully take action. She added, "Stay tuned and I think you will be pleased with how that was crafted." Dr. Robinson commented that it is time to bring this issue to closure and to provide the best possible care for individuals.

4. Other Business – Ms. Hancock explained that the United States Supreme Court recently struck down Nebraska's partial birth abortion statute. She reviewed that Supreme Court opinion and Utah's partial birth abortion statute with the committee. Ms. Hancock stated that Utah's statute appears to be constitutional according to the main findings of the Supreme Court.

5. Adjourn

MOTION: Rep. Beck moved to adjourn the meeting at 4:15 p.m. The motion passed unanimously.

