



# BILLS PASSED

## RELATED TO HEALTH AND HUMAN SERVICES, 2011 ANNUAL GENERAL SESSION (By Long Title, 5/3/11)

### ABORTION

#### **H.B. 171 Abortion Clinic Licensing** (*Rep. C. Wimmer*)

This bill amends provisions of the Health Care Facility Licensing and Inspection Act in relation to abortion clinics.

This bill:

- ▶ defines terms;
  - ▶ requires annual licensing for abortion clinics that provide abortions during the first and second trimesters of pregnancy;
  - ▶ grants rulemaking authority to the Department of Health (department) in relation to licensing of abortion clinics;
  - ▶ requires, in order for an abortion clinic to obtain and maintain a license, that the abortion clinic comply with statutory requirements, rules, health and safety standards, and recordkeeping requirements;
  - ▶ requires inspection of abortion clinics;
  - ▶ requires the department to establish a fee on abortion clinics to pay for the costs relating to this bill;
  - ▶ modifies exemptions from the Health Care Facility Licensing and Inspection Act;
  - ▶ in order to assist the department in fulfilling the requirements of this bill, requires the Division of Occupational and Professional Licensing to provide the department with the name and address of each physician who reports that they perform elective abortions in Utah in a location other than a hospital;
  - ▶ provides that the information described in the preceding paragraph is a protected record;
  - ▶ provides intent language; and
  - ▶ makes technical changes.
- No monies are appropriated in this bill.

#### **H.B. 353 Abortion Freedom of Conscience** (*Rep. C. Wimmer*)

This bill amends the portion of the Utah Criminal Code relating to abortion by replacing Utah's freedom of conscience law with a new and expanded freedom of conscience law.

This bill:

- ▶ defines terms;
- ▶ provides that a health care provider may, on religious or moral grounds, refuse to perform or participate in any way in an abortion;

- ▶ provides that, except as otherwise required by law, a health care facility may refuse, on religious or moral grounds, to admit a patient for an abortion procedure or perform an abortion procedure for a patient;
- ▶ provides that a health care provider's or a health care facility's refusal, described in the preceding paragraphs, may not be the basis for civil liability or other recriminatory action;
- ▶ provides that a health care facility, employer, or other person may not take any adverse action against a health care provider for exercising the health care provider's right of refusal described in this bill;
- ▶ provides that a person who is adversely impacted by conduct prohibited by this bill may bring a civil action for equitable relief, including reinstatement, and for damages; and
- ▶ provides that a person who brings an action under this bill must commence the action within three years after the day on which the cause of action arises.

No monies are appropriated in this bill.

#### **H.B. 354 Insurance Amendments Relating to Abortion** (*Rep. C. Wimmer*)

This bill amends provisions of the Insurance Code by limiting the type of abortion coverage that may be offered in a health benefit plan, on the state health insurance exchange, or on a federally mandated health insurance exchange.

This bill:

- ▶ defines the term, "permitted abortion coverage"; and
- ▶ limits the type of abortion coverage that may be offered in a health benefit plan, on the state health insurance exchange, or on a federally mandated health insurance exchange.

No monies are appropriated in this bill.

### ADOPTION

#### **S.B. 287 Specialty License Plate Amendments** (*Sen. C. Bramble*)

This bill authorizes a Choose Life Adoption Support special group license plate.

This bill:

- ▶ creates a Choose Life Adoption Support special group license plate for adoption support programs through the Division of Child and Family Services;
  - ▶ requires applicants for a new plate to make a \$25 annual donation to the Choose Life Adoption Support Restricted Account for adoption support programs;
  - ▶ creates the Choose Life Adoption Support Restricted Account;
  - ▶ grants the Division of Child and Family Services rulemaking authority to make rules establishing a procedure for certain organizations to apply for funds in the Choose Life Adoption Support Restricted Account;
  - ▶ provides that appropriations from the Choose Life Adoption Support Restricted Account are nonlapsing; and
  - ▶ makes technical changes.
- No monies are appropriated in this bill.

## CHILD WELFARE

### **H.B. 161 Guardian Ad Litem Responsibilities** (*Rep. C. Oda*)

This bill requires that guardians ad litem participate in a child and family plan for a client.

This bill:

- ▶ requires guardians ad litem to participate in child and family plan meetings to represent the best interest of their client.

No monies are appropriated in this bill.

### **H.B. 208 Administrative Services Amendments** (*Rep. W. Harper*)

This bill modifies the Utah Administrative Services Code by amending Child Welfare Defense Program provisions and creating a restricted special revenue fund.

This bill:

- ▶ defines terms;
- ▶ changes the Office of Child Welfare Parental Defense in the Department of Administrative Services to a program administered by the department;
- ▶ allows the Department of Administrative Services to contract all or part of the program to a qualified contractor;
- ▶ creates the State Archives Fund, as a restricted special revenue fund;
- ▶ specifies what is deposited into the fund and uses of the fund;
- ▶ provides that the fund shall earn interest; and
- ▶ provides that state archives shall report on the use of the fund as part of the annual budget process.

No monies are appropriated in this bill.

### **H.B. 215 Fatality Review Act Amendments** (*Rep. M. Newbold*)

This bill amends provisions of the Fatality Review Act and the Government Records Access and Management Act with respect to the status, disclosure, and use of records relating to fatality reviews and near fatalities.

This bill:

- ▶ modifies procedures relating to the initial review of a fatality;
- ▶ requires a fatality review committee to provide an unredacted copy of a fatality review report to a division director and a regional director or a designee of the division director and regional director;
- ▶ provides that an executive summary of fatality reviews is not admissible as evidence in a civil, judicial, or administrative proceeding;
- ▶ amends procedures for providing an executive summary of fatality reviews to the Legislature;
- ▶ requires that the Division of Child and Family Services, to the extent required by the federal Child Abuse Prevention and Treatment Act, as amended, allow public disclosure of the findings or information relating to a case of child abuse or neglect that results in a child fatality or near fatality;
- ▶ removes the fatality review executive summary from the definition of a fatality review document and clarifies that the executive summary is a public document; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

### **H.B. 216 Reunification Services Amendments** (*Rep. M. Newbold*)

This bill amends provisions of the Juvenile Court Act of 1996 relating to the provision of reunification services.

This bill:

- ▶ defines terms;
- ▶ creates a presumption that reunification services should not be provided to a birth mother if the court finds, by clear and convincing evidence, that the child has fetal alcohol syndrome or was exposed to an illegal or prescription drug that was abused by the child's mother while the child was in utero, if the child was taken into custody for that reason, unless the mother agrees to enroll in, is currently enrolled in, or has recently and successfully completed a substance abuse treatment program approved by the Department of Human Services;
- ▶ permits a judge to waive the provisions of this bill under certain circumstances; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**H.B. 453 Domestic Violence Services (Rep. D. Clark)**

This bill amends provisions of the Utah Human Services Code relating to the investigation of domestic violence by the Division of Child and Family Services.

This bill:

- ▶ provides that, except to the extent provided by rule made on or after May 10, 2011, the Division of Child and Family Services is not responsible for investigating domestic violence in the presence of a child; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**S.B. 39 Children's Justice Center Program Amendments (Sen. R. Okerlund)**

This bill adds two counties and replaces interlocal agreement requirements with a memorandum of understanding requirement.

This bill:

- ▶ adds Sanpete and Sevier Counties to the list of counties in which Children's Justice Centers shall be established;
- ▶ replaces the current interlocal agreement requirement with a memorandum of understanding requirement to be executed by all parties involved;
- ▶ allows a licensed nurse practitioner to serve on a local Children's Justice Center Advisory Board; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

**S.B. 93 Child Welfare Legislative Oversight Panel Reporting Amendments (Sen. A. Christensen)**

This bill amends provisions of the Child and Family Services chapter of the Utah Human Services Code relating to reports submitted to the Child Welfare Legislative Oversight Panel.

This bill:

- ▶ provides that the report to the Child Welfare Legislative Oversight Panel on cases not in compliance with statutory time limits is required only from the judicial branch and not the Division of Child and Family Services and the attorney general;
- ▶ adds compliance with the time limits relating to shelter hearings to the report described in the preceding paragraph; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**S.B. 124 Leaving a Child Unattended in a Motor Vehicle (Sen. B. McAdams)**

This bill amends the Utah Criminal Code by making it a class C misdemeanor to leave a child unattended in an enclosed compartment of a motor vehicle.

This bill:

- ▶ defines terms;

- ▶ makes it a class C misdemeanor for a person who is responsible for a child under nine years of age to intentionally, recklessly, knowingly, or with criminal negligence leave a child in an enclosed compartment of a motor vehicle if:
  - the motor vehicle is on public property or private property that is open to the general public;
  - the child is not supervised by a person who is at least nine years old; and
  - the conditions present a risk to the child of hyperthermia, hypothermia, or dehydration;
- ▶ provides that this bill does not apply if the person's conduct that constitutes a violation of this bill is subject to a greater penalty under another provision of state law;
- ▶ preempts enforcement of a local law or ordinance that makes it an infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor under this bill;
- ▶ provides that, notwithstanding any provision of state law to the contrary, a conviction under this bill may not be used by a state or local government entity as grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a license or permit relating to the provision of day care or child care.

No monies are appropriated in this bill.

**S.B. 286 Grandparents' Visitation Rights (Sen. D. Hinkins)**

This bill expands the ability of grandparents to visit with their grandchildren who are in state custody.

This bill:

- ▶ requires that grandparents are considered for visitation with grandchildren who are in state custody.

No monies are appropriated in this bill.

**CONTROLLED SUBSTANCES**

**H.B. 15 Controlled Substance Database - Licensing Amendments (Rep. B. Daw)**

This bill amends licensing provisions in the Controlled Substance Database Act.

This bill:

- ▶ provides that an individual who is not a veterinarian, who obtains a new license to prescribe a controlled substance, shall, within 30 days after the day on which the individual obtains a license to prescribe a controlled substance from the Drug Enforcement Administration, register with the division to use the Controlled Substance Database;
- ▶ reinstates authority of the Division of Occupational and Professional Licensing to take administrative

action, under the Pharmacy Practice Act, for a violation of the Controlled Substance Database Act; and

- ▶ makes technical changes.

No monies are appropriated in this bill.

#### **H.B. 23    Controlled Substance Modifications (Rep. G. Froerer)**

This bill modifies provisions relating to the Utah Controlled Substances Act by creating a controlled class of listed synthetic cannabinoid substances found in products often referred to as "spice."

This bill:

- ▶ expands the definition of a controlled substance to include a list of synthetic equivalent cannabinoid substances and their analogs and homologs found in products commonly referred to as "spice";
- ▶ expands the definition of a controlled substance to include substances and their analogs and homologs found in products referred to as "bath salts";
- ▶ clarifies that the tetrahydrocannabinols in Schedule I of the Utah Controlled Substances Act include those both naturally and synthetically derived;
- ▶ provides that it is an affirmative defense that the person produced, possessed, or administered any of these listed substances if the person:
  - was engaged in medical research; and
  - was a holder of a license to possess controlled substances for research;
- ▶ authorizes the Controlled Substances Advisory Committee to recommend placement of a substance on a controlled substance list if it finds that the substance has a potential for abuse and that an accepted standard has not been established for safe use in treatment for medical purposes;
- ▶ adds "spice" to the driver license provisions regarding driving under the influence; and
- ▶ provides that a legislative body of a political subdivision may not enact an ordinance that is less restrictive than any provision of the Utah Controlled Substances Act.

No monies are appropriated in this bill.

#### **H.B. 192    Controlled Substances Advisory Committee Amendments (Rep. P. Ray)**

This bill modifies Title 58, Occupations and Professions, regarding the Controlled Substances Advisory Committee Act.

This bill:

- ▶ adds two members to the Controlled Substances Advisory Committee:
  - one advanced practice registered nurse; and
  - one representative of the public; and
- ▶ amends the quorum requirements to reflect the membership changes.

No monies are appropriated in this bill.

#### **H.B. 241    Clean Out the Medicine Cabinet Month Designation (Rep. M. Morley)**

This bill designates the month of April as Clean Out the Medicine Cabinet Month in Utah.

This bill:

- ▶ designates that the month of April shall be commemorated annually as Clean Out the Medicine Cabinet Month in Utah.

No monies are appropriated in this bill.

#### **H.B. 358    Access to Controlled Substance Database Revisions (Rep. S. Eliason)**

This bill modifies the Controlled Substance Database Act regarding parties who have access to the database.

This bill:

- ▶ provides controlled substance database access to employees of the Office of Internal Audit and Program Integrity within the Department of Health who are engaged in their specified duty of ensuring Medicaid program integrity.

No monies are appropriated in this bill.

#### **S.B. 61    Education for Prescribing Controlled Substances (Sen. P. Jones)**

This bill amends provisions of the Utah Controlled Substances Act.

This bill:

- ▶ requires a prescriber applying for a new or renewed controlled substance license to take four hours of controlled substance prescribing classes each licensing period;
- ▶ requires the Division of Occupations and Professional Licensing, in consultation with the Utah Medical Association and the applicable practitioner licensing boards, to establish educational content of controlled substance prescribing classes to help establish safe and effective practices for prescribing controlled substances, which may include opioid narcotics, hypnotic depressants, and psychostimulants;
- ▶ provides that any controlled substance prescribing class required under this bill does not increase the total continuing professional education requirements for prescriber licensing; and
- ▶ allows the division to establish rules.

No monies are appropriated in this bill.

#### **S.B. 248    Controlled Substance Database Amendments (Sen. C. Bramble)**

This bill modifies provisions relating to access to the Controlled Substance Database.

This bill:

- ▶ authorizes certain individuals to access the controlled substance database for the purpose of reviewing a patient's request for workers' compensation benefits; and

- ▶ makes technical changes.

No monies are appropriated in this bill.

## DISABILITIES

### H.B. 172 Service Animal Amendments *(Rep. K. Grover)*

This bill amends the Rights and Privileges of a Person with a Disability Act by changing the definition of a "service animal."

This bill:

- ▶ amends the definition of a "service animal" to follow the federal definition; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

### H.B. 204 Protection of Athletes with Head Injuries *(Rep. P. Ray)*

This bill enacts the Protection of Athletes With Head Injuries Act within the Utah Health Code.

This bill:

- ▶ defines terms;
- ▶ requires an amateur sports organization to:
  - adopt and enforce a concussion and head injury policy; and
  - inform a parent or legal guardian of the policy and obtain the parent's or legal guardian's signature on the policy before permitting a child to participate in a sporting event;
- ▶ describes the requirements of a concussion and head injury policy;
- ▶ requires removal of a child from a sporting event when the child is suspected of sustaining a concussion or traumatic head injury; and
- ▶ prohibits a child described in the preceding paragraph from participating in a sporting event of the amateur sports organization until the child receives medical clearance from a qualified health care provider trained in the evaluation and management of a concussion.

No monies are appropriated in this bill.

### H.B. 230 Disability Amendments *(Rep. P. Ray)*

To the extent possible, this bill replaces outdated terms relating to persons with a disability with updated terms.

This bill:

- ▶ defines terms;
- ▶ except where impracticable due to language used in federal law, uniform law, interstate compacts, or case law, replaces terms as follows:
  - replaces the term "mental retardation," and its variations, with "intellectual disability";
  - replaces the term "crippled," with "disability";

- replaces the term "disabled person," and similar references, with the term "person with a disability" or similar variations;
- replaces the term "mentally ill person" and similar references, with the term "person with a mental illness" or similar variations;
- replaces the term "paraplegic" and similar references, with the term "person with paraplegia" or similar variations;
- replaces the term "guilty and mentally ill," with the term "guilty with a mental illness";
- replaces the term "guilty of a lesser offense and mentally ill," with the term "guilty of a lesser offense with a mental illness"; and

- ▶ makes technical changes.

No monies are appropriated in this bill.

### H.B. 240 Social Services - Employment First Priority *(Rep. R. Menlove)*

This bill establishes an employment first priority policy for persons with a disability within the Employment Support Act, State Office of Rehabilitation Act, and the Utah Human Services Code.

This bill:

- ▶ requires the Department of Workforce Services, the Utah State Office of Rehabilitation, and the Division of Services for People with Disabilities to, when providing services to a person with a disability, give priority to providing services that assist the person in obtaining and retaining meaningful and gainful employment; and
- ▶ requires the entities described in the preceding paragraph to:
  - develop a written plan to implement the policy described in the preceding paragraph; and
  - annually set goals to implement the policy and plan described in this bill, determine whether the goals for the previous year have been met, and modify the plan as needed.

No monies are appropriated in this bill.

### H.B. 415 Schools for the Deaf and Blind Foundation *(Rep. S. Handy)*

This bill modifies the Public-Private Partnership for Education Excellence Act by enabling the Utah Schools for the Deaf and Blind to establish a non-profit foundation.

This bill:

- ▶ authorizes the Utah Schools for the Deaf and Blind to establish a non-profit foundation; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

### S.B. 308 Amendments to Public Employee's Benefit and Insurance Program *(Sen. D. Liljenquist)*

This bill modifies the Utah State Retirement and Insurance Benefit Act by amending retirement and long-term disability provisions.

This bill:

- ▶ clarifies in the Utah Workforce Services Code that only a person who is eligible to purchase service credit under the Utah Retirement Systems may purchase service credit in those systems;
- ▶ amends definitions;
- ▶ clarifies that an employee who elects to participate exclusively in the defined contribution plan may not purchase service credit for that period of employment;
- ▶ provides that only an active member may purchase service credit in the Utah Retirement Systems;
- ▶ clarifies that Social Security substitute payments are not limited for purposes of post-retirement employment retirement related contributions made on behalf of an employee;
- ▶ provides that reemployment restrictions for a person who begins reemployment after July 1, 2010, do not apply to employment as an elected official if the elected position is not full-time;
- ▶ provides that a participating employer must provide information requested by the Utah State Retirement Office electronically in a manner approved by the office;
- ▶ provides that a participating employer shall treat any information provided to the office as subject to certain confidentiality restrictions;
- ▶ provides that a person who is dissatisfied by a ruling of the executive director or deputy director regarding a medical claim may request a ruling by an external reviewer in accordance with federal law;
- ▶ requires the Utah State Retirement Office to fund the long-term disability benefits for new volunteer firefighters using certain insurance premium tax revenues formerly deposited in the Firefighters' Retirement Trust Fund;
- ▶ provides that a member must cease employment with any participating employer to be eligible to receive a retirement allowance;
- ▶ modifies the timing of adjusted retirement benefit payments and standardizes language for applying for benefits following the death of a retiree or a retiree's spouse under certain retirement options;
- ▶ clarifies that new governors and legislators who are only eligible for a Tier II retirement system may be eligible for a paid-up group health coverage policy for members and their surviving spouses;
- ▶ provides that Tier II new employees and employees who are exempt from the retirement systems are eligible for long-term disability coverage;
- ▶ provides that an employee is not eligible for long-term disability benefits if the employee has a pending action before any federal administrative

body in which the employee has made a claim that the employee is able to work;

- ▶ repeals a requirement that an eligible employee first apply at the earliest eligible age for all unreduced retirement benefits to get long-term disability benefits;
- ▶ provides for the time periods for which a new Tier II employee under a defined contribution plan is eligible for long-term disability benefits consistent with other Tier II new employees;
- ▶ provides that an elected official, instead of only a governor and a legislator, initially entering office on or after July 1, 2011, is only eligible to participate in the Tier II defined contribution plan;
- ▶ provides that an elected official and appointive official are eligible for Tier II retirement benefits if they are defined as full-time employees;
- ▶ provides that a person initially entering regular full-time employment after July 1, 2011, has one year instead of 30 days to make an irrevocable election between a Tier II Hybrid Retirement System and a Tier II defined contribution retirement plan and that the election must be submitted electronically;
- ▶ allows the Legislature to decrease benefits in the defined benefit portion of the Tier II Hybrid Retirement System for new public employees and new public safety and firefighter employees for future years of service under certain conditions;
- ▶ provides that vesting of the defined contribution balance occurs upon accruing four years of service credit instead of four years from the date of employment under the Tier II Hybrid Retirement System;
- ▶ defines eligibility to receive a retirement allowance for a benefit tied to a retirement date for members in a defined contribution plan;
- ▶ allows an offset for administrative costs for forfeited defined contribution accounts; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

## **DISEASES**

### **H.C.R. 9 Lupus Awareness Month Concurrent Resolution (Rep. T. Cosgrove)**

This concurrent resolution of the Legislature and the Governor designates May 2011 as Lupus Awareness Month in the state of Utah.

This resolution:

- ▶ designates May 2011 as Lupus Awareness Month in the state of Utah and urges the citizens of the state to observe this month by educating themselves on the symptoms and impact of lupus and to join with the Utah Chapter of the Lupus Foundation of America

in supporting programs of research, education, and community service.

**H.J.R. 35 Utah Mitochondrial Disease Awareness Week  
Joint Resolution (Rep. K. Sumsion)**

This joint resolution of the Legislature designates September 5 through September 11, 2011, as Mitochondrial Disease Awareness Week.

This resolution:

- ▶ designates September 5 through September 11, 2011, as Mitochondrial Disease Awareness Week in the state of Utah and urges the citizens of Utah to observe the week with appropriate activities and programs.

**S.B. 48 Alzheimer's State Plan Task Force (Sen. K. Morgan)**

This bill establishes an Alzheimer's State Plan Task Force within the Division of Aging and Adult Services in the Department of Human Services.

This bill:

- ▶ defines terms;
- ▶ creates the Alzheimer's State Plan Task Force within the Division of Aging and Adult Services in the Department of Human Services;
- ▶ describes the membership of, and provides staff support for, the task force;
- ▶ provides that members of the task force are not entitled to compensation, but may receive per diem and travel expenses;
- ▶ provides that the task force does not go into effect until at least \$25,000 has been deposited into the Alzheimer's State Plan Task Force Restricted Account;
- ▶ addresses requirements relating to a quorum, actions, and meetings of the task force;
- ▶ describes the duties of the task force;
- ▶ requires the task force to complete its duties and submit a report on its findings and recommendations to the Health and Human Services Interim Committee on or before its November 2011 meeting; and
- ▶ creates the Alzheimer's State Plan Task Force Restricted Account.

This bill appropriates:

- ▶ \$2,040, as a one-time appropriation, to the House;
- ▶ \$2,040, as a one-time appropriation, to the Senate; and
- ▶ \$20,920, as a one-time, nonlapsing appropriation, to the Division of Aging and Adult Services, subject to intent language stating that the \$20,920 shall be used, first for the expenses of the Alzheimer's State Plan Task Force, with the remaining money to be used by the Division of Aging and Adult Services to fund respite care for individuals with Alzheimer's disease or related dementia.

**S.B. 67 Annual Eye Examination for Children in Grades Kindergarten Through Three (Sen. L. Robles)**

This bill amends the health examinations required in public schools.

This bill:

- ▶ extends the public school vision screening from age seven to age eight;
- ▶ requires a public school that performs vision screening to develop a process to notify a parent or guardian if a child fails the vision screening or needs follow-up care; and
- ▶ provides limited immunity to volunteer vision screeners who are trained or supervised by the State Office of Education;

No monies are appropriated in this bill.

**S.B. 313 Prostate Cancer Special Group License Plate (Sen. B. McAdams)**

This bill authorizes a prostate cancer support special group license plate.

This bill:

- ▶ creates a prostate cancer support special group license plate for programs that conduct or support prostate cancer awareness, screening, detection, or prevention;
- ▶ requires applicants for a new plate to make a \$25 annual donation to the Prostate Cancer Support Restricted Account;
- ▶ creates the Prostate Cancer Support Restricted Account;
- ▶ requires the Department of Health to distribute funds in the Prostate Cancer Support Restricted Account to certain organizations that provide programs that conduct or support prostate cancer, awareness, screening, detection, or prevention; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**S.C.R. 12 Wear Red Month Concurrent Resolution (Sen. K. Mayne)**

This concurrent resolution of the Legislature and the Governor designates February as Wear Red Month in recognition of the fight against heart disease among women.

This resolution:

- ▶ designates February as Wear Red Month in the state of Utah and urges all citizens to show their support for women and the fight against heart disease by wearing the color red; and
- ▶ declares that increasing awareness, speaking up about heart disease, and empowering women to reduce their risk of cardiovascular disease, can save thousands of lives every year.

**S.J.R. 7 Fibromyalgia Awareness Day Joint Resolution**  
*(Sen. P. Knudson)*

This joint resolution of the Legislature designates May 12, 2011, as Fibromyalgia Awareness Day.

This resolution:

- ▶ designates May 12, 2011, as Fibromyalgia Awareness Day in the state of Utah;
- ▶ recognizes the needs of those stricken with fibromyalgia and urges citizens of the state to support the search for a cure and assist those individuals and families who deal with this devastating disorder on a daily basis; and
- ▶ encourages organizations with influence in the decision-making process affecting patients with fibromyalgia to protect their rights to parity in access to care, treatment, and research funding and opportunities.

**EMERGING MEDICAL SERVICES**

**S.B. 273 Emergency Responder Fees** *(Sen. J. S. Adams)*

This bill modifies Title 10, Utah Municipal Code, and Title 11, Cities, Counties, and Local Taxing Units, by prohibiting a municipality or political subdivision from charging a first responder fee.

This bill:

- ▶ defines the term "political subdivision"; and
- ▶ prohibits a municipality or political subdivision from charging an individual a flat fee for responding to a traffic incident.

No monies are appropriated in this bill.

**HEALTH CARE PROVIDERS**

**H.B. 66 Health Professional Authority - Death Certificates** *(Rep. B. Last)*

This bill amends the Vital Statistics Act.

This bill:

- ▶ amends definitions in the Vital Statistics Act to allow a nurse practitioner to sign a death certificate if employed by a health care facility.

No monies are appropriated in this bill.

**H.B. 212 Charges by Health Providers for Medical Records** *(Rep. F. Gibson)*

This bill modifies provisions of the Judicial Code relating to patient access to medical records.

This bill:

- ▶ establishes a time limitation for a health care provider to provide medical records to a patient, a patient's personal representative, or a third party;

- ▶ establishes charges that a health care provider may charge when copying a patient's medical records; and

- ▶ provides a repeal date.

No monies are appropriated in this bill.

**H.B. 238 Radiology Technologist and Radiology Practical Technician Licensing Act** *(Rep. D. Ipson)*

This bill amends the Occupations and Professions Code related to Radiology Technologist and Radiology Practical Technician Licensing Act.

This bill:

- ▶ renumbers the code sections in the chapter to conform to other licensing acts in Title 58, Occupations and Professions;
- ▶ defines indirect supervision;
- ▶ defines the practice of radiologist assistant;
- ▶ amends the membership of the Radiologic Technologist Licensing Board;
- ▶ establishes a requirement for a license for a radiologist assistant;
- ▶ permits a temporary license as a radiology assistant for an individual currently practicing and nationally certified;
- ▶ defines the scope of practice for a radiologist assistant;
- ▶ establishes continuing education requirements for a radiologist assistant; and
- ▶ moves language regarding unlawful and unprofessional conduct from the definition section of the chapter to a new section within the chapter.

No monies are appropriated in this bill.

**H.B. 243 Occupations and Professions Amendments** *(Rep. M. Morley)*

This bill amends provisions of Title 58, Occupations and Professions, regarding the administration and enforcement of licensing laws and related provisions.

This bill:

- ▶ provides that members of licensing boards can continue to serve for a limited time period after their terms have expired until their successors are appointed and qualified;
- ▶ provides for notification by an applicant or licensee to the Division of Occupational and Professional Licensing regarding name and address changes;
- ▶ provides the division with fine and citation authority for the unlicensed practice of a profession or the hiring of unlicensed individuals;
- ▶ clarifies licensure by endorsement provisions for professional engineers, professional structural engineers, and professional land surveyors;
- ▶ modifies the qualifications for licensure as an advanced practice registered nurse;

- ▶ modifies the definition of practice of massage therapy for purposes of the Massage Practice Therapy Act;
  - ▶ modifies continuing education requirement provisions for licensed elevator mechanics and elevator contract licensees;
  - ▶ makes technical changes to vocational rehabilitation counselor licensing provisions;
  - ▶ modifies the term of license provisions; and
  - ▶ makes certain technical changes.
- No monies are appropriated in this bill.

**H.B. 336 Medical Professional Licensing During a Declared Emergency (Rep. E. Vickers)**

This bill modifies the Division of Occupational and Professional Licensing Act and the Pharmacy Practice Act by enacting language regarding health department protocols.

This bill:

- ▶ authorizes the Department of Health to establish a protocol for the distribution of medicine in a national, state, or local emergency to:
  - a local health department;
  - a pharmacy;
  - a prescribing practitioner;
  - a licensed health care facility;
  - a federally qualified community health clinic;
  - a patient's contact; or
  - emergency service personnel;
- ▶ authorizes the Department of Health to establish a protocol to allow a physician to write a prescription for a patient's contact when necessary to treat a reportable disease or non-emergency condition; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**H.B. 384 Veterans Preference Amendments (Rep. T. Cosgrove)**

This bill provides exceptions to professional state licensure for veterans and active duty spouses.

This bill:

- ▶ provides an exception to state licensure for active duty spouses for some professions provided the spouse holds a license in another recognized jurisdiction and the license is valid and in good standing;
- ▶ allows the Department of Health to take military education, training, and experience into consideration when certifying or licensing persons under the Emergency Medical Services System; and
- ▶ adds military education and training programs to programs the Division of Occupational and Professional Licensing considers for licensing.

No monies are appropriated in this bill.

**H.B. 405 Charges for Medical Records (Rep. F. Gibson)**

This bill modifies provisions of the Judicial Code relating to charges for medical records.

This bill:

- ▶ requires a person authorized to provide medical records, other than a health care provider, to provide the medical records within 30 days after the request;
- ▶ establishes charges that a person authorized to provide medical records, other than a health care provider, may charge when copying medical records; and
- ▶ provides a repeal date.

No monies are appropriated in this bill.

**H.B. 482 Long-term Care Facility - Medicaid Certification for Bed Capacity Amendments (Rep. E. Hutchings)**

This bill amends provisions of the Medical Assistance Act regarding Medicaid certification of nursing care facility programs.

This bill:

- ▶ allows the Division of Healthcare Financing within the Department of Health, under certain conditions, to renew Medicaid certification of a nursing care facility not currently certified; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**H.B. 492 Washington County Veterans' Home (Rep. D. Ipson)**

This bill appropriates money for a veterans' home in Washington County.

This bill appropriates:

- ▶ for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to the Capitol Budget - Capitol Development, as a one-time appropriation:
  - from the Veterans' Nursing Home Reimbursement Restricted Fund, \$6,350,000.

This bill appropriates:

- ▶ \$6,350,000 for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

**H.B. 493 Utah County Veterans' Homes (Rep. D. Ipson)**

This bill appropriates money for a veterans' home in Utah County.

This bill appropriates for the fiscal year beginning July 1, 2011, and ending June 30, 2012:

- ▶ to the Division of Facilities and Construction Management, as a one-time appropriation:
  - from the Veterans' Nursing Home Reimbursement Restricted Fund, \$6,350,000.

This bill appropriates:

- ▶ \$6,350,000 for the fiscal year beginning July 1, 2011, and ending June 30, 2012.

**S.B. 129 Licensing of Physician-educators (Sen. S. Urquhart)**

This bill modifies the Utah Medical Practice Act in relation to licensing of physician-educators.

This bill:

- ▶ defines terms;
- ▶ provides for issuance of a temporary license for a foreign-educated physician who has been invited to serve as a faculty member at a Utah medical school;
- ▶ establishes requirements for a foreign-educated physician who has held a temporary license for at least five years to apply for a permanent license;
- ▶ authorizes the division to revoke a license described in this bill for a material misrepresentation or unlawful or unprofessional conduct; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

**S.B. 134 Transparency in Health Care Provider Advertising (Sen. J. Stevenson)**

This bill amends health care provider licensing laws to require certain information about the health care provider in any professional advertising.

This bill:

- ▶ requires a health care provider to include certain information about the license and title of the health care provider in any advertisement for the health care provider's services;
- ▶ defines advertisement; and
- ▶ makes it unprofessional conduct to violate the advertisement requirements.

No monies are appropriated in this bill.

**S.B. 186 Utah Medical Practice Act Amendments (Sen. J. S. Adams)**

This bill amends the Utah Medical Practice Act and the Utah Osteopathic Medical Practice Act by clarifying policies and procedures.

This bill:

- ▶ amends definitions;
- ▶ prohibits an individual from using the title "doctor," "M.D." or "D.O." in a misleading manner;
- ▶ clarifies licensing requirements;
- ▶ clarifies disciplinary procedures; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**S.C.R. 14 Concurrent Resolution Honoring Providers of Health Care Services to Military Personnel and Their Dependents (Sen. J. S. Adams)**

This concurrent resolution of the Legislature and the Governor expresses gratitude to the hospitals, clinics, facilities, and individual providers of health care to Utah's military personnel, their families, and those retired from military service.

This resolution:

- ▶ expresses gratitude to the hospitals, clinics, facilities, institutions, and individual providers of health care who serve the needs of Utah's military personnel, their families, and those retired from military service; and
- ▶ recognizes these health care providers for being part of the fight for freedom as they serve the health care needs of this population.

**HEALTH DISPARITIES**

**S.B. 33 Health Disparities and Related American Indian Programs (Sen. K. Van Tassell)**

This bill modifies the Utah Health Code to address the Center for Multicultural Health and provide for an American Indian-Alaskan Native Health Liaison.

This bill:

- ▶ renames the Center for Multicultural Health to be the Office of Health Disparities Reduction;
- ▶ establishes the position of American Indian-Alaskan Native Health Liaison; and
- ▶ makes technical and conforming amendments.

No monies are appropriated in this bill.

**HEALTH INSURANCE**

**H.B. 14 Catastrophic Mental Health Coverage - Sunset Act (Rep. J. Dunnigan)**

This bill modifies the Insurance Code and the Legislative Oversight and Sunset Act to address catastrophic mental health coverage.

This bill:

- ▶ removes a catastrophic mental health coverage provision from the Legislative Oversight and Sunset Act; and
- ▶ makes technical and conforming amendments.

No monies are appropriated in this bill.

**H.B. 18 Health Reform - Cost Containment (Rep. B. Daw)**

This bill amends the Utah State Retirement and Insurance Benefit Act.

This bill:

- ▶ requires a consumer directed health plan offered by the Utah State Retirement and Insurance Benefit Act to promote appropriate utilization of health care, including preventive health care services;
- ▶ requires the office to prepare online training for employees regarding high deductible health plans and health savings accounts;
- ▶ requires state employers to require state employees to attend training regarding health benefit plans

offered to employees, including high deductible health plans;

- ▶ provides flexibility for the state, within federal requirements, to determine the appropriate actuarial value of the consumer directed health plans; and
- ▶ requires a state employee hired after July 1, 2011, to be enrolled in a high deductible health plan unless the employee chooses to enroll in a different health benefit plan.

No monies are appropriated in this bill.

#### **H.B. 19 Insurance Law Related Amendments (Rep. J. Dunnigan)**

This bill modifies the Insurance Code and other provisions related to the regulation of insurance and insurance products.

This bill:

- ▶ amends definitions;
- ▶ creates the Insurance Department Restricted Account;
- ▶ addresses fees for captive insurance companies and the cap on the Captive Insurance Restricted Account;
- ▶ modifies restrictions on foreign title insurers;
- ▶ removes outdated language;
- ▶ addresses grace periods for accident and health insurance policies;
- ▶ modifies provisions related to individuals, group, or blanket accident and health insurance coverage;
- ▶ addresses health benefit plan offerings;
- ▶ addresses producer lines of authority;
- ▶ addresses a written agreement related to a voluntary surrender of a license;
- ▶ amends provisions related to continuing education;
- ▶ provides for training related to long-term care insurance;
- ▶ modifies title insurance agency and producer licensing requirements;
- ▶ addresses when a title insurance producer may do an escrow involving a real property transaction;
- ▶ modifies provisions related to disbursements from escrow accounts;
- ▶ modifies title insurance related assessments;
- ▶ addresses licensee compensation;
- ▶ addresses when a person may represent that the person acts in behalf of an insurer;
- ▶ modifies provisions related to providing the commissioner address, telephone, and email address information;
- ▶ addresses verification under a nonresident jurisdictional agreement;
- ▶ addresses per diem and travel expenses of public representatives on the board of directors of the Utah Life and Health Insurance Guaranty Association;
- ▶ addresses the establishment of classes of business;
- ▶ modifies rating restrictions;

- ▶ addresses the renewal of a bail bond surety company license;
- ▶ permits the commissioner to assign a department employee to engage in certain activities related to the regulation of captive insurance companies;
- ▶ requires a professional employer organization to notify the commissioner of material changes;
- ▶ removes the title insurance assessment from the sunset act;
- ▶ converts certain dedicated credits into several restricted accounts and provides that related appropriations are nonlapsing; and
- ▶ makes technical and conforming amendments.

No monies are appropriated in this bill.

#### **H.B. 128 Health Reform Amendments (Rep. J. Dunnigan)**

This bill amends provisions related to state health system reform in the Health Code, the Insurance Code, and the Governor's Programs.

This bill:

- ▶ amends the definition of third party payor in the Utah Health Data Authority Act;
- ▶ requires the Health Data Authority to publish comparative data about physician and clinic quality by October 1, 2011;
- ▶ amends the membership of the Health Data Authority;
- ▶ clarifies duties between the Department of Health, the Department of Insurance, and the Office of Consumer Health Services related to:
  - convening and supervising the health delivery and payment reform demonstration projects; and
  - regulation of insurers in the Health Insurance Exchange;
- ▶ clarifies the dental coverage for the Children's Health Insurance Program;
- ▶ amends the definition of qualified health plan that a state contractor shall offer to employees;
- ▶ establishes state authority to regulate certain practices of health insurers;
- ▶ requires group health benefit plans to have reasonable plan premium rates and to comply with standards established by the Insurance Department;
- ▶ amends small group mental health offering;
- ▶ amends provisions related to Utah NetCare;
- ▶ amends provisions related to the basic health care plan;
- ▶ prohibits an insurance customer representative from practicing independent of a producer or consultant employer, and limits a customer service representative's authority to bind coverage;
- ▶ amends small group case characteristics and allows premiums to vary based on gender;

- ▶ gives the Insurance Department the responsibility to conduct an actuarial review of rates established for the health benefit plan market;
- ▶ authorizes the department to establish a fee for the actuarial review;
- ▶ amends provisions related to the appointment of brokers to the Health Insurance Exchange;
- ▶ removes language from the Risk Adjuster Board chapter of the Insurance Code related to the actuarial review of rates;
- ▶ establishes the money in the Health Insurance Actuarial Review Restricted Account as non-lapsing;
- ▶ removes the large group market from the Health Insurance Exchange;
- ▶ clarifies the authority of the Office of Consumer Health Services to:
  - contract with private entities for the purpose of administering functions of the Health Insurance Exchange;
  - establish a call center for customer service in the exchange; and
  - charge a fee for certain functions of the exchange;
- ▶ moves language regarding insurance regulation from the Office of Consumer Health Services to the Insurance Code;
- ▶ reauthorizes the Health System Reform Task Force, including:
  - membership of the task force; and
  - duties of the task force;
- ▶ creates the Health Insurance Actuarial Review Restricted Account;
- ▶ provides intent language that fees received by the Insurance Department in 2010, for the department's actuarial review as dedicated credits, shall lapse to the Health Insurance Actuarial Review Restricted Account;
- ▶ repeals the statewide risk adjuster mechanism that was effective January 1, 2013; and
- ▶ makes technical and conforming amendments.

No monies are appropriated in this bill.

**H.B. 404 State Health Insurance Amendments (Rep. D. Ipson)**

This bill enacts uncodified language that requires a study by the Legislature's Retirement and Independent Entities Interim Committee of changes in the way the state provides health insurance to its employees, retirees, and their families.

This bill:

- ▶ requires the Retirement and Independent Entities Interim Committee to study the way the state provides health insurance to its employees, retirees, and their families;

- ▶ establishes the issues to be studied by the interim committee;
- ▶ requires the Retirement and Independent Entities Interim Committee to coordinate its study of health insurance benefits for state employees with the study by the Health System Reform Task Force of the operations of the Health Insurance Exchange;
- ▶ requires the interim committee to consult with stake holders; and
- ▶ requires the Public Employees' Benefit and Insurance Program to provide assistance and information to the interim committee.

No monies are appropriated in this bill.

**H.J.R. 46 Joint Resolution on State Health Insurance (Rep. B. Dee)**

This resolution directs the Public Employees' Benefit and Insurance Program regarding the medical coverage premium share between employer and employee and other cost issues related to medical and dental plans.

This resolution:

- ▶ directs PEHP and the Department of Human Resource Management to change the current employer premium share for HMO medical coverage to 90% employer and 10% employee and adjust other plans proportionately;
- ▶ directs PEHP to not increase the dental plan combined premiums for employers and employees from FY 2010-11 premiums;
- ▶ directs PEHP to decrease the overall combined premiums for employers and employees by 2% from FY 2010-11 premiums;
- ▶ directs PEHP to, before July 2012, adjust its costs in a way that revenues are sufficient to cover costs;
- ▶ directs PEHP to draw down its reserves as necessary to fund the program; and
- ▶ directs PEHP to maintain the medical benefit structure in plans as grandfathered plans under federal law for the 2011-12 fiscal year.

**S.B. 86 Sunset Reauthorizations (Sen. S. Jenkins)**

This bill reauthorizes certain state entities and programs that would otherwise sunset before the 2012 or 2013 Annual General Session of the Utah Legislature.

This bill:

- ▶ reauthorizes certain named state entities and programs that are scheduled to sunset before the 2012 or 2013 Annual General Session; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**S.B. 294 Patient Access Reform (Sen. J. S. Adams)**  
**VETOED**

This bill amends provisions related to access to health insurance in the Insurance Code.

This bill:

- ▶ amends the case characteristics that a small employer carrier may use when establishing premium rates for a group;
- ▶ changes the ratio that may be used for the age bands to an overall ratio that may not exceed 6:1;
- ▶ changes the ratio that may be used for family tiers to a ratio that may not exceed 6:1;
- ▶ amends the family tier structure, for plans renewed or effective on or after September 1, 2011, to create a fifth tier separating employee plus one dependent from employee plus more than one dependent; and
- ▶ makes technical amendments.

No monies are appropriated in this bill.

## HIV/AIDS

### **H.B. 324 HIV Testing of Alleged Sex Offenders (Rep. R. Greenwood)**

This bill modifies the Criminal Code and public health provisions regarding testing of sex offenders for HIV to include alleged sex offenders.

This bill:

- ▶ provides that a defendant charged with a sex offense shall be tested for HIV upon the request of the victim and in accordance with specified procedures; and
- ▶ provides that if the defendant is a minor charged with a sex offense, the minor shall be tested for HIV upon the request of the victim, and in accordance with current law regarding testing of a minor, and in accordance with specified procedures.

No monies are appropriated in this bill.

### **S.B. 50 Enhanced Penalties for HIV Positive Offender Amendments (Sen. J. Stevenson)**

This bill modifies the Criminal Code regarding standards for charging an HIV positive offender with certain felony sexual offenses, and also changes the notification requirements regarding the offender's positive HIV test results.

This bill:

- ▶ provides that an HIV positive person engaged in prostitution, patronizing a prostitute, or sexual solicitation, and who is HIV positive, is guilty of a third degree felony;
- ▶ modifies definitions;
- ▶ provides that a person who has tested positive for the HIV infection shall be notified of the test results in person by a law enforcement agency, Department of Corrections, or Department of Health, or an authorized representative of any of these agencies;
- ▶ requires that the notice contain the signature of the HIV positive individual and the name and signature of the person providing the notice; and

- ▶ provides that failure to provide the notice, or failure to provide notice in the manner or form prescribed, does not create any civil liability and does not create a defense to any prosecution under this part.

No monies are appropriated in this bill.

## MEDICAID

### **H.B. 77 Medical Assistance Accountability (Rep. D. Clark)**

This bill amends provisions of the Utah Health Code relating to management and oversight of the state's Medicaid and medical assistance programs.

This bill:

- ▶ defines terms;
- ▶ provides that an inspector general of Medicaid services or the director of the Office of Internal Audit and Program Integrity shall designate and oversee the presiding officer in certain administrative appeal proceedings relating to Medicaid funds or services;
- ▶ describes other requirements relating to certain Medicaid related administrative appeal proceedings;
- ▶ describes duties and reporting requirements for the division relating to management and oversight of the state's Medicaid and medical assistance programs;
- ▶ places the Utah Office of Internal Audit and Program Integrity directly under the executive director of the Department of Health; and
- ▶ provides the Utah Office of Internal Audit and Program Integrity with full access to the records of the Division of Health Care Financing.

No monies are appropriated in this bill.

### **H.B. 84 Office of Inspector General of Medicaid Services (Rep. D. Clark)**

This bill creates, within the Governor's Office of Planning and Budget, the Office of Inspector General of Medicaid Services.

This bill:

- ▶ defines terms;
- ▶ creates, within the Governor's Office of Planning and Budget, the Office of Inspector General of Medicaid Services (office);
- ▶ describes and provides for the qualifications, appointment, term of office, and removal of the Inspector General of Medicaid Services (inspector general);
- ▶ describes the duties and powers of the inspector general and the office;
- ▶ requires the inspector general to enter into a memorandum of understanding with the Medicaid Fraud Control Unit of the attorney general's office (fraud unit);

- ▶ requires the office to annually select and review a representative sample of claims submitted for reimbursement under the state Medicaid program to determine whether fraud, waste, or abuse occurred;
- ▶ provides for the transfer of full-time equivalents from the Department of Health to the Governor's Office of Planning and Budget to staff the office;
- ▶ establishes a process where the inspector general can order a hold on the payment of a claim for reimbursement submitted by a claimant if there is reasonable cause to believe that the claim, or payment of the claim, constitutes fraud, waste, or abuse, or is otherwise inaccurate;
- ▶ grants the office full access to records and employees when investigating or auditing the use or expenditure of Medicaid funds or the provision of services;
- ▶ grants the office access to the Controlled Substance Database and to all records, information, and databases that the Department of Health and the Division of Health Care Financing have access to;
- ▶ requires the Department of Health, the Division of Health Care Financing, and others to fully cooperate with and support the inspector general and the office in fulfilling the duties of the inspector general and the office;
- ▶ prohibits a person from interfering with or impeding an investigation or audit of the office or fraud unit and from interfering with the content or conclusion of a report;
- ▶ grants subpoena power to the inspector general;
- ▶ requires a health care professional, a Medicaid provider, and a state or local government official or employee to report any Medicaid fraud, waste, or abuse of which they become aware;
- ▶ requires the inspector general to, on an annual basis, prepare a written report on the activities of the office for the preceding fiscal year, to provide the report to the governor, and to provide and present the report to the Executive Appropriations Committee of the Legislature;
- ▶ requires the provision of contract services to the office by the attorney general's office and the Division of Health Care Financing;
- ▶ classifies certain records relating to an investigation or audit by the office as protected;
- ▶ grants rulemaking authority to the office; and
- ▶ makes technical changes.

This bill appropriates, as ongoing appropriations:

- ▶ to Department of Health - Executive Director's Operations:
  - from the General Fund, \$(694,900);
  - from the Federal Fund, \$(1,037,000); and
  - from Revenue Transfers - Within Agency, \$(81,500);
- ▶ to Medicaid Mandatory Services:

- from the General Fund, \$(300,000); and
- from the Federal Fund, \$(519,100); and
- ▶ to Office of Inspector General of Medicaid Services:
  - from the General Fund, \$994,900;
  - from the Federal Fund, \$1,556,100; and
  - from Revenue Transfers - Health, \$81,500.

**H.B. 174 Contracting for Medicaid Eligibility Determination Services (Rep. W. Harper)**

This bill requires the Department of Health and the Department of Workforce Services to study the state's Medicaid eligibility determination system.

This bill:

- ▶ requires the study of the state's eligibility determination system for Medicaid to determine whether consolidation of the system or privatization would create greater efficiencies; and
- ▶ requires a report of the study to the Legislature's Health and Human Services Interim Committee and the Social Services Appropriations Subcommittee prior to October 20, 2011.

No monies are appropriated in this bill.

**H.B. 211 Community Service Medicaid Pilot Program (Rep. R. Menlove)**

This bill amends the Health Code and creates a pilot program in the state's medical assistance program.

This bill:

- ▶ requires the state Medicaid program to develop a community service pilot program as part of the state Medicaid plan;
- ▶ requires the Medicaid program to present the proposal for a community service pilot program to the Legislature's Health and Human Services Interim Committee; and
- ▶ requires the Medicaid program to submit a Medicaid waiver to the Centers for Medicare and Medicaid Services by January 1, 2012, to implement the community service pilot program.

No monies are appropriated in this bill.

**H.B. 217 Appointment of Director of the Division of Health Care Financing (Rep. D. Clark)**

This bill amends the Medical Assistance Act to provide that the director of the Division of Health Care Financing shall be appointed by the governor, after consultation with the executive director of the Department of Health, with the advice and consent of the Senate.

This bill:

- ▶ provides that the director of the Division of Health Care Financing shall be appointed by the governor, after consultation with the executive director of the Department of Health, with the advice and consent of the Senate; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**H.B. 256 Children's Health Insurance and Medicaid Administrative Simplification (Rep. J. Dunnigan)**

This bill modifies provisions relating to Medicaid and other children's health insurance programs.

This bill:

- ▶ requires the Department of Health to:
  - apply for grants to fund a simplified enrollment and renewal process for Medicaid, Utah Premium Partnership, and Primary Care Network Demonstration Project programs; and
  - if funding is available, establish a simplified enrollment and renewal process for the programs in which the eligibility worker may, if the applicant provides consent, confirm the adjusted gross income of the applicant from the State Tax Commission;
- ▶ allows the Department of Health or its designee to:
  - enter into agreements with financial institutions to develop and operate a data system to identify an applicant or enrollee's assets; and
  - pay a reasonable fee to a financial institution for services;
- ▶ requires the Division of Health Care Financing to:
  - bid out Medicaid dental benefits;
  - establish criteria for bidding out Medicaid dental benefits; and
  - rebid the Medicaid dental benefits at least once every five years;
- ▶ requires the Children's Health Insurance Plan to apply for grants to fund a simplified enrollment process;
- ▶ when funding is available, requires the Children's Health Insurance Plan to establish a simplified enrollment process in which the eligibility worker may, if the applicant provides consent, confirm the adjusted gross income of the applicant from the State Tax Commission; and
- ▶ requires the State Tax Commission to provide the Department of Health or its designee with access to an applicant's adjusted gross income.

No monies are appropriated in this bill.

**S.B. 180 Medicaid Reform (Sen. D. Liljenquist)**

This bill amends the Medical Assistance Act and the Budgetary Procedures Act.

This bill:

- ▶ requires the Department of Health to develop a proposal to modify the Medicaid program in a way that maximizes replacement of the fee-for-service delivery model with one or more risk-based delivery models;
- ▶ specifies criteria for the proposal;

- ▶ requires the department, to the extent possible, to develop the proposal with the input of stakeholder groups representing those who will be affected by the proposal.
- ▶ requires the department to report to the Legislature on the development of the proposal;
- ▶ requires the department to submit a request to the Centers for Medicare and Medicaid Services for waivers from federal law to implement the proposal;
- ▶ directs the department to implement the proposal in the fiscal year following the fiscal year in which the waivers are approved;
- ▶ provides definitions;
- ▶ creates the Medicaid Growth Reduction and Budget Stabilization Account restricted account;
- ▶ specifies conditions under which Medicaid growth savings shall be transferred or appropriated to the account;
- ▶ provides that Medicaid growth savings not transferred into the account shall be included in the base budget for the second following fiscal year;
- ▶ specifies the priority of the account's claim on General Fund revenue surplus;
- ▶ specifies how money in the account may be used;
- ▶ makes conforming amendments; and
- ▶ makes technical corrections.

No monies are appropriated in this bill.

**S.J.R. 19 Joint Resolution Approving the Houghton Case Final Settlement Agreement (Sen. L. Hillyard)**

This resolution approves the final settlement agreement in the Houghton case.

This resolution:

- ▶ approves the final settlement agreement in the Houghton v. Department of Health case.

**MEDICAL LIABILITY**

**H.J.R. 38 Joint Resolution to Amend Rule of Evidence (Rep. J. Dunnigan)**

This joint resolution amends Utah Rule of Evidence, Rule 409 regarding expressions of apology by health care professionals and employees.

This resolution:

- ▶ amends Utah Rule of Evidence, Rule 409 regarding expressions of apology by health care professionals and employees.

**MEDICAL MALPRACTICE**

**S.B. 150 Negligent Credentialing (Sen. J. S. Adams)**

This bill provides that a medical malpractice cause of action based on negligent credentialing will not be recognized in this state.

This bill:

- ▶ provides that negligent credentialing as a cause of action will not be recognized in a medical malpractice action.

No monies are appropriated in this bill.

## MENTAL HEALTH

### **H.B. 454 State Hospital Revisions** (*Rep. B. Last*)

This bill amends provisions of the Substance Abuse and Mental Health Act relating to the allocation of adult beds at the state hospital to local mental health authorities.

This bill:

- ▶ requires the Division of Substance Abuse and Mental Health to establish by rule a formula to separately allocate adult beds at the state hospital to local mental health authorities;
- ▶ provides that, beginning on May 10, 2011, and ending on June 30, 2011, 152 beds at the state hospital shall be allocated to local mental health authorities under this bill;
- ▶ provides that the number of beds allocated under this bill shall be reviewed and adjusted as necessary on July 1, 2011, to restore the number of beds allocated to 212 beds, as funding permits, and on July 1, 2011, and every three years after July 1, 2011, according to the state's population; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

### **H.B. 481 Transportation of Mental Illness Patients** (*Rep. P. Ray*)

This bill modifies code provisions relating to fees of county sheriffs.

This bill:

- ▶ authorizes a sheriff to charge \$2.50 for each mile necessarily traveled, in going only, in transporting a patient to or from a hospital or mental health facility.

No monies are appropriated in this bill.

### **S.C.R. 1 Crisis Intervention Team Program Concurrent Resolution** (*Sen. P. Jones*)

This concurrent resolution of the Legislature and the Governor recognizes the positive approach and best practices of the Crisis Intervention Team Program and encourages development of active crisis intervention team programs statewide.

This resolution:

- ▶ recognizes the Crisis Intervention Team Program training as the model of best practice for law

enforcement intervention with persons who have a mental illness; and

- ▶ encourages law enforcement agencies and community mental health centers to work together in conjunction with other community partners to:
  - have a cadre of certified Crisis Intervention Team-trained officers in all jurisdictions; and
  - develop and maintain active crisis intervention team programs regionally throughout the state.

## MISCELLANEOUS

### **H.B. 64 Human Blood Procurement and Use** (*Rep. S. Handy*)

This bill recodifies, repeals, and amends provisions of the Utah Code relating to the procurement and use of human blood.

This bill:

- ▶ defines terms;
- ▶ deletes obsolete provisions relating to the donation of blood by a person who is 18 years old;
- ▶ enacts the Human Blood Act;
- ▶ clarifies that the procurement and use of a blood product is considered a service rather than a sale;
- ▶ provides that a minor who is at least 16 years old may donate blood to a voluntary, noncompensatory blood donation program if a parent or legal guardian of the minor consents to the donation; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

### **H.B. 385 County Jail Medical Expenses** (*Rep. B. Daw*)

This bill provides a standard for when jails are to provide medical care to prisoners and amends procedures for collecting medical expenses owed by an inmate.

This bill:

- ▶ provides standards regarding when a sheriff is required to provide medical care to persons being held in the county jail;
- ▶ allows a county to seek reimbursement from an inmate for medical care in addition to any other outstanding costs the inmate owes to the county jail at the time of release;
- ▶ includes inmate medical care in the costs incurred by a county that the court may order be paid by the inmate to the county as restitution; and
- ▶ extends the time period when a county jail may make a claim against a current inmate for costs incurred during a prior incarceration from three years to 10 years.

No monies are appropriated in this bill.

## OBESITY

### H.C.R. 7 Concurrent Resolution Supporting Public Policies That Promote Outdoor Activities for Children *(Rep. J. Draxler)*

This concurrent resolution of the Legislature and the Governor supports increased participation by children in outdoor activities and supports policies that promote outdoor activities for children.

This resolution:

- ▶ expresses support for increased participation by children in outdoor activities and supports policies that promote outdoor activities for Utah's children.

## PHARMACEUTICALS

### H.B. 16 Pharmacy Benefits Manager Act *(Rep. E. Vickers)*

This bill enacts the Pharmacy Benefits Manager Act.

This bill:

- ▶ defines terms;
- ▶ provides that when the Utah State Retirement Board (board) issues a request for proposals (RFP) for a pharmacy benefits manager (PBM) to provide pharmacy benefits management services for the Public Employees' Benefit and Insurance Program (program), the RFP shall provide each responder with the option to include, among the billing options proposed, a billing option that requires the PBM to, on at least a monthly basis, submit to the board an invoice for all pharmacy services paid by the PBM on behalf of the program since the last request for payment or reimbursement; and
- ▶ provides that an invoice described in the preceding paragraph shall state, as a separate item from any other amount:
  - the total amount due to the pharmacy benefit manager for all pharmacy services billed in the invoice; and
  - the total amount paid by the pharmacy benefit manager for the same pharmacy services for which payment is sought in that invoice.

No monies are appropriated in this bill.

### H.B. 232 Drug Paraphernalia Definition Amendments *(Rep. E. Vickers)*

This bill modifies the Utah Drug Paraphernalia Act regarding some exemptions for syringes used for a legitimate medical purpose.

This bill:

- ▶ provides that a person may not be charged with distribution of hypodermic syringes as drug paraphernalia if at the time of sale or distribution the

syringes are in a sterile package and are to be used for a legitimate medical purpose, including:

- injection of prescription medications as prescribed by a practitioner; and
- the prevention of disease transmission; and
- ▶ provides that a person may not be charged with possession of hypodermic syringes as drug paraphernalia if the syringe is unused and is in a sterile package.

No monies are appropriated in this bill.

### H.C.R. 5 Patient- and Safety-centered Prescription Labels Concurrent Resolution *(Rep. M. Poulson)*

This concurrent resolution of the Legislature and the Governor urges prescribers, dispensers, manufacturers of drugs, health insurers, and government agencies generally to take specific steps to improve patient- and safety-centered prescription labels.

This resolution:

- ▶ urges individuals to assume primary responsibility for the proper and safe use, storage, and disposal of any drug prescribed to them, and to encourage their dispensers to provide adequate instruction on how to fulfill those responsibilities;
- ▶ urges the Utah Pharmacy Board, the Utah Pharmacists Association, and other related groups to meet regularly during 2011 to develop a prescription label format that is patient- and safety-centered;
- ▶ urges the Utah Pharmacy Board and the Utah Pharmacists Association to provide project updates and present the improved prescription label format to the Legislature's Health and Human Services Interim Committee; and
- ▶ urges federal, state, and local agencies to continue working to reduce prescription drug misuse, addiction, and drug-related death, to develop campaigns to educate the public about the dangers of prescription drug misuse, to promote the proper disposal of partially used or expired prescriptions, to continue developing drop-off sites and other secure and environmentally friendly methods for disposing of unused prescription drugs, and to continue promoting the availability and use of programs that treat prescription drug addiction.

### S.B. 128 Regulatory Amendments *(Sen. C. Bramble)*

This bill amends the Pharmacy Practice Act.

This bill:

- ▶ defines terms;
- ▶ amends provisions related to exemptions from licensure;
- ▶ exempts advanced practice registered nurses and physician assistants from licensure under the Pharmacy Practice Act to dispense a cosmetic drug or injectable weight loss drug to a patient; and

- ▶ exempts optometrists from licensure under the Pharmacy Practice Act to dispense a cosmetic drug to a patient.

No monies are appropriated in this bill.

## PUBLIC HEALTH

### **H.B. 13 Immunizations for Teen Mothers** *(Rep. J. Seelig)*

This bill amends the Health Code to allow a minor who is the parent of a child, or who is pregnant, to consent to immunizations.

This bill:

- ▶ defines terms;
- ▶ replaces the term "crippled children" with "children with disabilities";
- ▶ allows minors who are pregnant or who have custody of a child to consent to immunizations in certain circumstances;
- ▶ defines the immunizations for which a minor may provide consent;
- ▶ establishes the legal effect of the minor's consent for immunizations; and
- ▶ provides that a parent or guardian of a minor who consents to an immunization is not responsible for the fees associated with the immunization unless the parent or guardian consented to the immunization.

No monies are appropriated in this bill.

### **S.J.R. 3 Adult Immunization Awareness Month Joint Resolution** *(Sen. K. Mayne)*

This joint resolution of the Legislature designates October as Adult Immunization Awareness Month and urges adults to be current in their immunizations.

This resolution:

- ▶ designates October as Adult Immunization Awareness Month in the state of Utah to increase awareness of the need for every adult to be current in their immunizations; and
- ▶ urges Utah's adults to be immunized in order to protect their own health and to help prevent their children and others from becoming ill.

## STATE AGENCIES

### **H.B. 138 Federal Receipts Reporting Requirements** *(Rep. K. Ivory)*

This bill requires the reporting of federal receipts received by certain state agencies, requires the report to contain a plan to operate the state agency in the event federal receipts are reduced by certain amounts, and requires the Government Operations and Political Subdivisions Interim Committee to study whether to

apply federal receipts reporting requirements to certain other governmental entities.

This bill:

- ▶ defines terms;
- ▶ requires certain state agencies to prepare and submit a report to the Division of Finance on federal receipts received by the state agencies;
- ▶ requires the report to contain a plan to operate the state agency in the event federal receipts are reduced by certain amounts;
- ▶ requires the Division of Finance to report to the Executive Appropriations Committee on the reports the state agencies are required to make to the Division of Finance;
- ▶ provides procedures for requiring the Executive Appropriations Committee to review the Division of Finance report;
- ▶ provides that the Executive Appropriations Committee may make certain recommendations including a reduction or elimination of appropriations to certain state agencies; and
- ▶ requires the Government Operations and Political Subdivisions Interim Committee to study whether to apply federal receipts reporting requirements to certain other governmental entities.

No monies are appropriated in this bill.

### **H.B. 280 State Agency Realignment** *(Rep. W. Harper)*

This bill creates an advisory council in the Governor's Programs Code to study and make recommendations on the consolidation of state agencies to achieve efficiencies in state government.

This bill:

- ▶ establishes the Advisory Council on Optimizing and Streamlining State Government;
- ▶ establishes the membership of the advisory council;
- ▶ specifies the duties of the advisory council, which include the study of consolidating state agencies, executive directors of state agencies, and functions of state agencies to achieve efficiencies in services of state government; and
- ▶ requires reports to the governor and the Legislature.

No monies are appropriated in this bill.

### **H.B. 328 State Government Work Week** *(Rep. M. Noel)* **VETOED**

This bill enacts Title 67, Chapter 25, Part 2, Work Week, to provide for a five-day work week for a state agency in the executive branch.

This bill:

- ▶ requires a state agency in the executive branch to operate nine hours on a Monday, Tuesday, Wednesday, Thursday, and Friday; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**H.B. 330 Budgetary Procedure Amendments (Rep. M. Brown)**

This bill addresses budgetary procedures and certain state funds and accounts.

This bill:

- ▶ repeals provisions related to nonlapsing funds, accounts, and account balances;
- ▶ addresses the funding sources for certain funds and accounts;
- ▶ renames certain funds;
- ▶ provides that certain funds are nonlapsing;
- ▶ converts certain nonlapsing accounts to dedicated credits;
- ▶ addresses the amounts the Division of Finance shall deposit into certain funds and accounts;
- ▶ repeals obsolete language, funds, and accounts; and
- ▶ makes technical and conforming changes.

No monies are appropriated in this bill.

**S.B. 149 Qualifications for the Executive Director of the Department of Health (Sen. D. Liljenquist)**

This bill amends the qualification necessary for the executive director of the Department of Health.

This bill:

- ▶ amends the qualifications necessary for the executive director of the Department of Health.

No monies are appropriated in this bill.

**S.B. 160 Federal Funds Procedures Act Amendments (Sen. L. Hillyard)**

This bill modifies provisions in the Federal Funds Procedures Act.

This bill:

- ▶ modifies definitions;
- ▶ provides that multiyear grants or awards are subject to the approval and summary requirements of the act in periods other than the initial year or grant period when funds continue to be disbursed;
- ▶ revises language governing approval procedures to provide additional clarity and improve readability;
- ▶ provides that federal funds contained in an appropriations act are considered approved when the appropriations act is passed;
- ▶ clarifies provisions relating to consequences for failing to obtain legislative approval on certain federal fund requests;
- ▶ permits an agency that receives excess federal funds to spend up to 25% of the excess funding without requesting formal approval under some circumstances; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**TOBACCO**

**H.B. 198 Tobacco Related Penalty Amendments (Rep. P. Ray)**

This bill amends penalty provisions of the Cigarette and Tobacco Tax and Licensing Act.

This bill:

- ▶ permits the Tax Commission to waive, reduce, or compromise certain penalties;
- ▶ provides that a person who fails to timely file certain reports relating to the taxation of tobacco, or who provides false or misleading information on, or in relation to, a report:
  - is guilty of a class B misdemeanor; and
  - is subject to revocation or suspension of a license and a civil penalty imposed by the commission; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**H.B. 201 Tobacco Licensing Amendments (Rep. P. Ray)**

This bill amends provisions of the Utah Health Code and the Cigarette and Tobacco Tax and Licensing Act relating to tobacco licensing.

This bill:

- ▶ amends license revocation provisions to provide that the revocation of a license to sell tobacco is in effect for one year after:
  - the day on which the time for filing an appeal of the revocation ends; or
  - if the revocation is appealed, the day on which the decision to uphold the revocation becomes final;
- ▶ provides that manufacturers and distributors of tobacco products who are responsible for the collection of tax on tobacco products, and all retailers of tobacco products, are subject to the licensing requirements, procedures, and penalties described in Title 59, Chapter 14, Part 2, Cigarette and Tobacco Tax and Licensing Act; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

**H.B. 451 Tobacco Settlement Funds Amendment (Rep. D. Litvack)**

This bill changes the deposit of 40% of tobacco settlement funds from the permanent state trust fund to the General Fund.

This bill:

- ▶ diverts 40% of tobacco settlement funds from the permanent state trust fund to the General Fund.

No monies are appropriated in this bill.

**S.B. 262 Tobacco Products Amendments (Sen. C. Bramble)**

This bill amends the Cigarette and Tobacco Tax and Licensing chapter to address the taxation of little cigars.

This bill:

- ▶ defines terms;
- ▶ adjusts the tobacco products tax rate on little cigars;  
and
- ▶ makes technical and conforming changes.

No monies are appropriated in this bill.