

(Draft - Awaiting Formal Approval)
**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, November 16, 2011 – 9:00 a.m. – Room 20 House Building

Members Present:

Sen. Allen M. Christensen, Senate Chair
Rep. Paul Ray, House Chair
Sen. Patricia W. Jones
Sen. Stuart C. Reid
Sen. Luz Robles
Rep. David Clark
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Wayne A. Harper
Rep. Ronda Rudd Menlove
Rep. Dean Sanpei

Rep. Evan J. Vickers
Rep. Christine F. Watkins

Members Absent:

Sen. Mark B. Madsen

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Cathy Dupont, Associate General Counsel
RuthAnne Frost, Associate General Counsel
Kimberly A. Heiner, Legislative Secretary

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

1. Committee Business

Chair Ray called the meeting to order at 9:12 a.m.

MOTION: Rep. Clark moved to approve the minutes of the October 19, 2011 meeting. The motion passed unanimously with Rep. Cosgrove, Rep. Daw, and Rep. Harper absent for the vote.

Committee staff distributed three statutorily required reports to the Committee: "Drug Offender Reform Act: DORA Statewide Report, November 1, 2011," by the University of Utah Criminal Justice Center; "Fatality Review Executive Summary, FY2011," by the Department of Human Services; and a report on the Medicaid Primary Care Network and Utah's Premium Partnership for Health Insurance by the Utah Department of Health.

Chair Ray welcomed a class of nursing students from Weber State University to the meeting.

2. Alzheimer's Task Force

Sen. Karen W. Morgan, sponsor of 2011 S.B. 48, which created the Alzheimer's State Plan Task Force, distributed "Utah State Plan for Alzheimer's Disease and Related Dementias: An Action Plan for 2012-2017."

Mr. Nels Holmgren, Chair, Alzheimer's State Plan Task Force, provided an overview of the Task Force's work.

Mr. Nick Zullo, Utah Alzheimer's Association, said that Utah can do much to develop a state plan that will assist in early detection and intervention of Alzheimer's disease. He said Utah has the highest projected growth rate of Alzheimer's prevalence in the United States.

Sen. Morgan said the state plan recommended by the Task Force will be introduced as a resolution during the Legislature's 2012 annual general session and legislation will be considered to implement each of the five areas of the plan.

Dr. Norman Foster, Professor of Neurology and Director, Center for Alzheimer's Care, Imaging and Research, University of Utah School of Medicine, said that dementia related health concerns cost Utah state government millions of dollars each year. He said current policies push people out of their homes rather than supporting them in their homes, and cause people to use low-quality, high-cost options in institutional settings. He said that low-cost, high-quality alternatives to institutions are simply not available. Dr. Foster said the solutions outlined in the state plan developed by the Task Force are realistic and asked the Committee to adopt the Task Force's recommendations.

Dr. Foster responded to questions from the Committee.

3. Utah Commission on Aging

Ms. Norma Matheson, Honorary Chair, Utah Commission on Aging, spoke briefly about the Commission.

Ms. Maureen Henry, Executive Director, Utah Commission on Aging, provided an overview of the work of the Commission over the past 6½ years. She noted that the Commission has operated without state money for the past two years. She indicated the Commission has been using a grant to create what is essentially a 211 resource center for people needing long-term care services. She also spoke of other work by the Commission.

MOTION: Sen. Jones moved the Committee recommend the Legislature reauthorize the Utah Commission on Aging for five years, with no state funding. The motion passed unanimously with Rep. Harper absent for the vote.

4. Healthcare Associated Infections

Rep. Draxler presented 2012 General Session draft legislation "Health Care Associated Infections" (2012FL-0091/015). The draft was included in the mailing packet sent to the Committee prior to the meeting.

MOTION: Rep. Vickers moved to amend 2012 General Session draft legislation "Health Care Associated Infections" (2012FL-0091/015) as follows:
Page 6, line 168: delete "30" and insert "45".

The motion passed unanimously.

Rep. Draxler responded to questions from the Committee.

Ms. Judi Hilman, Executive Director, Utah Health Policy Project, said Utah should coordinate with the federal government on reporting. She said Utah should look at states like Maryland and Massachusetts that vary payments to hospitals based on preventable readmissions data.

Mr. Alan Dayton, Intermountain Health Care (IHC), indicated that although IHC does not support the bill as currently drafted, it supports the concept of disclosing data. He believes that with some changes to the bill, IHC will be able to it. He said reporting the data required by the bill would require three to six employees. He responded to questions from the Committee.

Ms. Jeanmarie Mayer, Infection Epidemiologist and Infection Control Officer, University of Utah Healthcare, said she supports the intent of the bill, but is concerned it covers more infections and hospitals than federal reporting requirements. She said the right balance between measuring infections and preventing infections needs to be struck and expressed concern that the bill could rob from hospitals' prevention efforts. She asked the Committee to consider modifying the bill to follow existing federal reporting requirements and to include technical consultation with the Healthcare-acquired Infections Workgroup if additional conditions are considered for reporting.

MOTION: Rep. Sanpei moved the Committee proceed to the next agenda item. The motion failed with Sen. Robles, Rep. Clark, Rep. Daw, Rep. Harper, Rep. Menlove and Rep. Vickers voting in opposition.

MOTION: Rep. Daw moved the Committee endorse 2012 General Session draft legislation "Health Care Associated Infections" (2012FL-0091/015) in concept and proceed to the next agenda item. The motion passed unanimously.

5. Verification of Patient Identity

Rep. Stewart Barlow presented 2012 General Session draft legislation "Patient Identity Validation" (2012FL-0383/004). The draft was included in the mailing packet sent to the Committee prior to the meeting. Rep. Barlow said the bill is supported by the Utah Department of Health, the University of Utah, the Utah Health Information Network, and Intermountain Healthcare (IHC). Rep. Barlow responded to questions from the Committee.

Mr. Dayton spoke in support of the bill.

Ms. Kim Wirthlin, University of Utah Health Care, spoke in support of the bill.

MOTION: Chair Christensen moved to recommend 2012 General Session draft legislation "Patient Identity Validation" (2012FL-0383/004) as a committee bill. The motion passed unanimously with Rep. Daw absent for the vote.

6. Clinical Health Information Exchange (cHIE)

Mr. Barry Nangel, Director, Center for Health Data, Utah Department of Health, discussed 2012 General Session draft legislation "Electronic Personal Medical Records" (2012FL-0382/002), which was included in the mailing packet sent to the Committee prior to the meeting. The bill:

- "amends the duties of the state Medicaid plan to require the participation of Medicaid beneficiaries in the electronic exchange of clinical health records;
- amends the duties of the Children Health Insurance Program [CHIP] to require the participation

of enrollees in the Children's Health Insurance Program in the electronic exchange of clinical health records; and

- amends the duties of the Public Employees Health Plan to require the plan to encourage and facilitate enrollee participation in the electronic exchange of clinical health records."

Rep. Menlove said the information highway has been built, but now people need to be put on the highway.

MOTION: Rep. Vickers moved to amend 2012 General Session draft legislation "Electronic Personal Medical Records" (2012FL-0382/002) as follows:

- (1) Page 2, line 47: insert "unless the individual opts out of participation" before the (Medicaid recipients) period; and
- (2) Page 7, line 189: insert "unless the individual opts out of participation" before the (CHIP enrollees) period.

The motion passed unanimously with Rep. Clark and Rep. Daw absent for the vote.

The Committee discussed the bill further.

MOTION: Chair Christensen moved:

- (1) to amend 2012 General Session draft legislation "Electronic Personal Medical Records" (2012FL-0382/002) as follows:
 - (a) Page 8, line 239: delete "take actions necessary to encourage and facilitate" and (PEHP members) insert "require"; and
 - (b) Page 8, line 240: insert "unless the individual opts out of participation" before the (PEHP members) period; and
- (2) (a) to direct the Utah Department of Health to apply for a waiver that would permit the state to operate the Medicaid program and CHIP without the opt out provisions adopted in the previous motion; and
- (b) that the Medicaid and CHIP opt out provisions adopted in the previous motion would be repealed upon approval of the waiver.

The motion failed with Sen. Jones, Sen. Reid, Sen. Robles, and Rep. Cosgrove voting in opposition and Rep. Clark and Rep. Daw absent for the vote.

MOTION: Rep. Cosgrove moved to recommend 2012 General Session draft legislation "Electronic Personal Medical Records" (2012FL-0382/002), as amended, as a committee bill.

SUBSTITUTE MOTION: Rep. Vickers moved:

- (1) to amend 2012 General Session draft legislation, "Electronic Personal Medical Records" (2012FL-0382/002) as follows:

- (a) Page 8, line 239: delete "take actions necessary to encourage and facilitate" and (PEHP members) insert "require";
- (2) (a) to direct the Utah Department of Health to apply for a waiver that would permit the state to operate the Medicaid program and CHIP without the opt out provisions adopted in the previous motion; and
- (b) that the Medicaid and CHIP opt out provisions adopted in the previous motion would be repealed upon approval of the waiver; and
- (3) to recommend 2012 General Session draft legislation "Electronic Personal Medical Records" (2012FL-0382/002), as amended, as a committee bill.

The substitute motion passed with Rep. Cosgrove voting in opposition and Rep. Clark and Rep. Daw absent for the vote.

Dr. Mark A. Munger, Vice-chair Utah Digital Health Commission, and representing the Utah Department of Health's e-prescribing Task Force, discussed the handout "Progress Toward Statewide e-prescribing Report from the E-Prescribing Task Force." He reported that in 2011, 22.6% of Utah office-based physicians have sent a prescription electronically. He said that after Intermountain Healthcare has fully implemented e-prescribing in the first part of 2012 and the University of Utah has fully implemented e-prescribing around July 1, 2012, the state's e-prescribing rate will increase to an estimated 75 to 80 percent. He said that before e-prescribing can take full effect in the state, identity proofing of prescribers for computer-to-computer transactions must be resolved.

Rep. Vickers shared some observations about e-prescribing from his experiences as a pharmacist, including that not many controlled substances are prescribed using e-prescribing.

7. Medicaid Waiver for Community Service Pilot Program

Staff distributed the Utah Department of Health's "Utah Community Service Medicaid Pilot Program 1115 Waiver Amendment Request."

The Committee did not discuss this agenda item.

8. Medicaid—Step Therapy for Pain Management

The Committee did not discuss this agenda item.

9. Adjourn

MOTION: Rep. Sanpei moved to adjourn. The motion passed unanimously with Sen. Jones, Sen. Robles, Sen. Reid, Rep. Clark, Rep. Daw, Rep. Harper, and Rep. Watkins absent for the vote.

Chair Ray adjourned the meeting at 12:04 p.m.