

**MINUTES OF THE
HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM 225, STATE CAPITOL BUILDING**

February 23, 1998

MEMBERS PRESENT: Rep. Nora B. Stephens, Chair
 Rep. Bryan Holladay, Vice Chair
 Rep. Loretta Baca
 Rep. Mary Carlson
 Rep. Gene Davis
 Rep. Robert H.M. Killpack
 Rep. Carl R. Saunders
 Rep. Raymond Short
 Rep. Richard L. Walsh

MEMBERS ABSENT: Rep. Margaret Dayton
 Rep. J.W. "Bill" Hickman

STAFF PRESENT: Mark Andrews, Research Analyst
 Janetha W. Hancock, Associate General Counsel
 Betty M. Bushman, Secretary

OTHERS PRESENT: (List of visitors on file)

The meeting began at 4:14 p.m. with Chair Stephens conducting.

MOTION: Representative Killpack moved that the minutes of the February 20, 1998 meeting be approved. The motion passed unanimously with Representatives Saunders and Walsh absent for the vote.

Chair Stephens relinquished the chair to Vice-Chair Holladay.

**SUBSTITUTE H.B. 352 MENTAL HEALTH AUTHORITY
 AND ADMINISTRATION REFORM**
 Representative Nora B. Stephens

Consideration of this bill, which was introduced in the meeting of February 20, 1998 when a First Substitute to the bill was adopted, continued. Representative Stephens proposed a Third Substitute to the bill.

MOTION: Representative Stephens moved that Third Substitute H.B. 352 replace First Substitute H.B. 352. The motion passed unanimously.

Representative Stephens explained the bill to the committee. Robin Arnold-Williams, Department of Human Services, and Marilyn Mitchell, Utah Alliance for the Mentally Ill addressed the bill.

Mark Walsh, Utah Association of Counties, and Carol R. Page, Davis County Commission, spoke in opposition to the bill.

MOTION: Representative Saunders moved that the committee move on to the next agenda item. The motion passed with Representatives Killpack, Holladay and Stephens voting no. Representative Short was absent for the vote.

H.B. 154 TASK FORCE ON PRIVATIZATION OF STATE ADOPTION SERVICES
Representative Nora B. Stephens

Representative Stephens presented the bill to the committee with proposed amendments.

MOTION: Representative Stephens moved that the bill be amended as follows:

1. Page 1, line 15: Delete "12" and insert "13"
2. Page 1, line 20: Delete "and" and after line 20 insert: "(d) one member of the Privatization Policy Board approved by the board chair; and"
3. Page 1, line 21: Delete "(d)" and insert "(e)"

The motion passed unanimously with Representatives Davis and Short absent for the vote.

Representative Stephens explained the bill to the committee.

MOTION: Representative Saunders moved that the bill be passed out favorably as amended. The motion passed unanimously with Representatives Davis and Short absent for the vote.

Chair Stephens resumed the chair.

S.B. 145 CHILD SUPPORT AMENDMENTS
Senator Nathan C. Tanner

Senator Tanner explained the bill to the committee

MOTION: Representative Walsh moved that the bill be passed out favorably. The motion passed unanimously with Representatives Davis, Short and Holladay absent for the vote.

SUBSTITUTE S.B. 64 BACKGROUND CHECK OF HEALTH CARE PROFESSIONALS

Senator Michael G. Waddoups

Senator Waddoups presented the substitute bill to the committee with proposed amendments.

MOTION: Representative Carlson moved that the bill be amended as follows:

1. Page 1, Line 14
Goldenrod 2-9-98: Delete "REPEALING" and insert "AMENDING"
2. Page 1, Line 15
Goldenrod 2-9-98: Delete "AND" and after "DATE" insert "; AND PROVIDING A COORDINATION CLAUSE"
3. Page 1, Line 18
Goldenrod 2-9-98: After line 18 insert:
"58-62-102, as enacted by Chapter 289, Laws of Utah 1994
58-62-201, as enacted by Chapter 289, Laws of Utah 1994"
4. Page 1a, Lines 22-25
Goldenrod 2-9-98: Delete lines 22-25
5. Page 2, Lines 1-10: Delete lines 1-10
6. Page 4, Line 17
Goldenrod 2-9-98: After line 17 insert:
"Section 3. Section **58-62-102** is amended to read:
58-62-102. Definitions.
In addition to the definitions in Section 58-1-102, as used in this chapter:
(1) "Board" means the Health Care Assistant Registration Board created in Section 58-62-201.
(2) "Health care assistant" means an individual who:
(a) engages in the practice of a health care assistant; [and]
(b) is subject to registration under this chapter and is not subject to registration, licensure, or certification under any other chapter of this title~~[-]~~; and
(c) is not subject to a criminal background check by virtue of being employed by:
(i) the Utah State Hospital or the Utah Developmental Center;

(ii) a residential treatment or residential support facility as defined in Subsection (4)(b); or

(iii) a covered health care facility as defined in Section 26-21-9.5.

(3) "Practice as a health care assistant" means providing direct personal assistance or care for compensation to an individual who is ill, injured, infirm, developmentally or physically disabled, mentally disabled, or mentally retarded, and who is in a private residence or regulated facility.

(4) "Regulated facility" means ~~[(a)]~~ a health care facility subject to licensure under Title 26, Chapter 21, Health Care Facility Licensure and Inspection Act ~~[-or]~~ and does not include:

(a) the Utah State Hospital or the Utah State Developmental Center;

(b) a residential treatment or residential support facility:

(i) subject to licensure under Title 62A, Chapter 2, Licensure of Programs and Facilities; and

(ii) serving people with disabilities, as defined by Department of Human Services rules ~~[-]; or~~

(c) a covered health care facility as defined in Section 26-21-9.5.

(5) "Unlawful conduct" is defined in Section 58-1-501.

(6) "Unprofessional conduct" is defined in Section 58-1-501.

Section 4. Section **58-62-201** is amended to read:

58-62-201. Board.

(1) There is created the Health Care Assistant Registration Board consisting of ~~[H]~~ seven individuals:

(a) one individual representing the Department of Health created in Title 26, Chapter 1, Department of Health Organization;

~~[(b) one individual representing the Department of Human Services, created in Title 62A, Chapter 1, Department of Human Services;]~~

~~[(c)]~~ (b) an individual serving in a management capacity in ~~[each of the following facilities]~~ a general acute hospital as defined under Section 26-21-2 and licensed under Title 26, Chapter 21, Health Care Facility Licensure and Inspection Act ~~[-];~~

~~[(i) a nursing care facility;]~~

~~[(ii) a home health agency;]~~

~~[(iii) a residential health care facility; and]~~

~~[(iv) a general acute hospital;]~~

~~[(d)]~~ (c) one licensed registered nurse employed in training of health care assistants;

~~[(e)]~~ (d) one registered health care assistant; and

[(f)] (e) three members of the general public who have no financial interest in the ownership or operation of a regulated facility.
(2) The board shall be appointed and serve in accordance with Section 58-1-201.
(3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203."

Renumber remaining sections accordingly.

7. Page 4a, Line 17p
Goldenrod 2-9-98: Bracket "and"
8. Page 4a, Lines 17q-17r
Goldenrod 2-9-98: Reinstate lines 17q-17r
9. Page 4a, Line 17s
Goldenrod 2-9-98: Reinstate "Registration Act" and after "Act" insert:
"; and
(d)"
10. Page 5, Lines 16-31
Goldenrod 2-9-98: Delete lines 16-31
11. Page 6, Line 3:
After line 3 insert:
"Section 6. **Coordination clause.**
(1) If this bill and H.B. 169, Public Safety Amendments, both pass, it is the intent of the Legislature that the references to "Utah Division of Criminal Investigation" in this bill shall be deleted and "Criminal Investigations and Technical Services Division" shall be inserted.
(2) If this bill and H.B. 224, Health Care Registration Act, both pass, it is the intent of the Legislature that the amendments to Section 58-62-102 and Section 58-62-201 in this bill supercede the amendments to those sections in H.B. 224."

The motion passed unanimously with Representatives Davis, Short and Holladay absent for the vote.

Senator Waddoups explained the bill to the committee with the assistance of Craig Moody, Home Health Association, who also spoke in favor of the bill.

Craig Jackson, Division of Occupational and Professional Licensing, raised concerns about the fiscal impact of the bill on his division. Karmen Sanone, Salt Lake County Aging Services, spoke in support of the bill.

MOTION: Representative Carlson moved that the substitute bill be passed out favorably as amended. The motion passed unanimously with Representatives Davis and Short absent for the vote.

H.B. 366, INSURANCE COVERAGE FOR DIABETES TREATMENTS, was not considered in today's meeting at the request of the sponsor, Representative Beverly A. Evans.

MOTION: Representative Holladay moved that the meeting be adjourned. The motion passed unanimously with Representatives Davis and Short absent for the vote.

The meeting adjourned at 5:57 p.m.

Rep. Nora B. Stephens
Committee Chair