

MINUTES OF THE
JOINT HEALTH AND HUMAN SERVICES APPROPRIATION SUBCOMMITTEE
February 15, 1999, 3:00 P.M.
Room 403, State Capitol Building

Members Present: Sen. Robert Muhlestein, Committee Co-Chair
Rep. Bill Wright, Committee Co-Chair
Sen. Edgar Allen
Sen. Steve Poulton
Rep. Loretta Baca
Rep. Trisha Beck
Rep. J.W. "Bill" Hickman
Rep. David L. Hogue
Rep. Bryan D. Holladay
Rep. Matt Throckmorton

Staff Present: Spencer Pratt, Legislative Fiscal Analyst
Thor Nilsen, Legislative Fiscal Analyst
Bonnie Brinton, Secretary

Others Present: Richard Melton, Deputy Director, Department of Health
Robin Arnold-Williams, Executive Director, Department of Human Services
Leon Pevoy, Director, Division of Substance Abuse

List of Others Present on File.

Committee Co-Chair Rep. Wright called the meeting to order at 3:20 p.m.

A.. Approval of Minutes of February 10, 1999

MOTION: Rep. Hogue moved to approve the minutes of February 10, 1999. The motion passed unanimously with Sen. Poulton absent for the vote.

MOTION: Rep. Hogue moved to delete the following items of Intent Language as the intent has already been met:

It is the intent of the Legislature that the Division of Health Care Financing pursue Federal Medicaid waivers to include Home Health Care in order to reduce costs and improve the quality of services.

It is the intent of the Legislature that the Division of Health Care Financing use a Utah-specific market basket indicator for nursing facilities, to the extent possible, instead of a national one, in determining future rate increases for long-term care facilities.

The motion passed unanimously with Sen. Poulton absent for the vote.

B. Department of Health

Intent Language

Rep. Beck presented information on the Baby Watch Early Intervention Fee Schedule.

MOTION: Rep. Beck moved to adopt the following Intent Language regarding the Baby Watch Early Intervention Fee Schedule:

It is the intent of the Legislature that the Department of Health's parent fee schedule for the Early Intervention program be eliminated. It is further the intent that donations to Early Intervention may be accepted to help fund the program.

SUBSTITUTE MOTION: Rep. Holladay moved to adopt the following Intent Language regarding the Baby Watch Early Intervention fee schedule:

It is the intent of the Legislature that the Department of Health's Baby Watch Early Intervention parent fee be a flat fee of \$10 per visit.

The motion failed in the House with Sens. Poulton and Muhlestein and Reps. Hickman, Holladay and Wright voting in favor of the motion and Sen. Allen and Reps. Baca, Beck, Hogue and Throckmorton voting against the motion.

SUBSTITUTE MOTION: Sen. Muhlestein moved to approve the Fee Schedules and Intent Language for Community and Family Health Services as recommended by the Analyst.

Rep. Hogue requested a division of the motion by pages:

MOTION: Sen. Muhlestein moved to approve pages 34-36 of the Community and Family Health Services fee schedules. The motion passed unanimously.

MOTION: Sen. Muhlestein moved to approve page 37 of the Community and Family Health Services fee schedule. The motion passed unanimously.

MOTION: Sen. Muhlestein moved to approve page 38 of the Community and Family Health Services, Baby Watch Early Intervention fee schedule. The motion failed with Sen. Muhlestein voting in favor of the motion.

MOTION: Rep. Holladay moved to change the intent language regarding the Baby Watch Early Intervention to state that the parent fee would be a flat fee of \$10 maximum per month per family. The motion was withdrawn.

MOTION: Sen. Muhlestein moved to consider the next item on the agenda. The motion passed unanimously.

Richard Melton, Deputy Director, Department of Health, reported on the Veteran's Nursing Home. He stated that there is no bond; however, the contractor was required to have a savings bond and a letter of credit of \$200,000. Mr. Melton also stated that the Veteran's Administration had taken responsibility for the certification of the Nursing Home and that the Department had not heard from the VA. He did assure the committee that certification had been recommended to the federal government. Mr. Melton was asked to communicate any report to the committee.

Co-Chair Rep. Wright instructed the Analyst to collect unfunded items from committee members, evaluate them and create a priority list for the next meeting.

MOTION: Rep. Throckmorton moved to adopt the following Intent Language regarding employee incentive:

It is the intent of the Legislature that the Departments of Health and Human Services will divide their yearly budget equally into quarterly portions. Twenty percent of the funds remaining in the budget at the end of the quarter will be divided equally among the employees of these departments as compensation.

(This will not be done proportionate to pay rate or grade.) The remaining 80% will be applied to the last quarter's budget numbers. The balance at the end of the fiscal year will be non-lapsing and will apply to the following year's budget. The next year's budget will reflect the prior year's balance.

Robin Arnold-Williams, Executive Director, Department of Human Services, responded to the Intent Language.

Co-Chair Sen. Muhlestein assumed the Chair.

Thor Nilsen, Analyst, related concerns expressed by Gay Taylor, Legislative Counsel.

SUBSTITUTE MOTION: Sen. Allen moved to discuss this Intent Language on Wednesday. The motion passed unanimously with Rep. Wright absent for the vote.

MOTION: Sen. Poulton moved to accept the following Intent Language regarding the Utah Alcoholism Foundation:

It is the intent of the Utah State Legislature that \$580,000 be contracted directly with the Utah Alcoholism Foundation to provide statewide services.

Leon Povey, Director, Division of Substance Abuse, spoke in opposition to the motion. He stated that this Intent Language would make the Division in violation of State law.

The motion failed in the House with Sens. Muhlestein and Poulton and Reps. Holladay and Throckmorton voting in favor of the motion and Sen. Allen and Reps. Baca, Beck, Hickman and Hogue voting in opposition to the motion, with Rep. Wright absent at the time of voting.

C. Department of Human Services

Intent Language

The Analyst, Thor Nilsen, presented the Legislative Intent Language for the 1999 General Session.

MOTION: Sen. Allen moved to delete the following Intent Language regarding the FACT meeting:

It is the intent of the Legislature that in scheduling appropriations subcommittee meetings for the 2000 General Session, the Legislative Management Committee schedule a meeting of the FACT (Families, Agencies, Communities Together) within the first three weeks of the General Session. It is further the intent of the Legislature that the agenda for this meeting include a review of all FACT related budget items and consideration of any appropriate recommendation of those items to the appropriation subcommittees involved with FACT.

The motion passed unanimously with Sen. Poulton and Reps. Hickman and Wright absent for the vote.

MOTION: Rep. Hogue moved to adopt the following Intent Language regarding outcome measures:

It is the intent of the Legislature that the Department of Human Services present to the Legislative Fiscal Analyst's office detailed outcome measures for each budget area in each division within the Department. These outcome measures shall be, wherever possible, reported in terms of outcomes achieved and shall

include those who are eligible but did not need or accept state funded services with the population served in addition to the report of total numbers served. The Legislative Fiscal Analyst Office shall include the departments report including measurements within their budget presentation on an item by item basis.

The motion passed unanimously with Sen. Poulton and Reps. Hickman and Wright absent for the vote.

MOTION: Sen. Allen moved to delete the following Intent Language regarding the Governor's Council for people with Disabilities:

It is the intent of the legislature that no public money be used by the Governor's Council for People with Disabilities to develop, train for, or promote legislative lobbying efforts. Therefore, the funds appropriated by this Act for the use of the Council shall be used to develop services and supports for the people with disabilities in areas where the Council has identified weaknesses or gaps in the system.

The motion passed unanimously with Sen. Poulton and Reps. Hickman and Wright absent for the vote.

MOTION: Sen. Allen moved to accept the following Intent Language renewing contracts for the Division of Services for People with Disabilities:

It is the intent of the Legislature that in renewing contracts with private providers the Division of Services for People with Disabilities shall consider prevailing labor market conditions.

The motion passed unanimously with Sen. Poulton and Reps. Hickman and Wright absent for the vote.

MOTION: Sen. Muhlestein moved to adopt the following Intent Language regarding state owned group homes:

It is the intent of the Legislature that rent collected from individuals who occupy state owned group homes be applied to the cost of maintaining these facilities. The Division of Services for People with Disabilities will provide an accounting of state owned group home rents and costs upon request from the Legislature or the Legislative Analyst.

The motion passed unanimously with Sen. Poulton and Reps. Hickman, Holladay and Wright absent for the vote.

MOTION: Sen. Muhlestein moved to adopt as amended the following Intent Language regarding program budget overviews in both the Department of Human Services and the Department of Health:

It is the intent of the Legislature that the Departments of Health and Human Services, and the Division of Employment Development in the Department of Workforce Services, and the State Office of Education work jointly through the regular budget process to present program budget overviews for services to people with disabilities and for services to the aging to be presented to the 2000 Health and Human Services Appropriations Subcommittee. These program budget overviews will include a recommendation for the most appropriate and least costly funding options.

The motion passed unanimously with Sen. Poulton and Reps. Hickman, Holladay and Wright absent for the vote.

MOTION: Sen. Muhlestein moved to adopt the following Intent Language regarding funding for the Utah State Hospital:

It is the intent of the legislature that funds appropriated to the Division of Mental Health, Utah State Hospital for the development of its information system are non-lapsing.

The motion passed unanimously with Sen. Poulton and Reps. Hickman, Holladay and Wright absent for the vote.

MOTION: Sen. Muhlestein moved to adopt the following Intent Language regarding non-lapsing funds:

It is the intent of the legislature that funds appropriated to the Division of Child and Family Services for the development of the Child Welfare Management Information System, Christmas Box funding, and any funding appropriated for the Foster Care Foundation, are non-lapsing.

The motion passed unanimously with Sen. Poulton and Reps. Beck, Hickman, Holladay, Throckmorton and Wright absent for the vote.

Co-Chair Rep. Wright assumed the Chair.

MOTION: Sen. Muhlestein moved to adopt the following Intent Language regarding non-lapsing funds:

It is the intent of the Legislature that funds appropriated for the National Aging Information System are non-lapsing.

The motion passed unanimously with Sen. Poulton and Reps. Beck, Hickman, Holladay, and Throckmorton absent for the vote.

MOTION: Sen. Muhlestein moved to adopt the following five Intent Languages regarding non-lapsing authority for FY 1999 Supplemental Appropriations Act:

To Department of Human Services - Executive Director Operations:

Under terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 130, Chapter 394, Laws of Utah 1998. Expenditures of these funds are limited to:

<i>Computer Equipment/Software</i>	<i>\$25,000</i>
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To Department of Human Services - Division of Mental Health:

Under terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 131, Chapter 394, Laws of Utah 1998. Expenditures of these funds are limited to:

<i>Computer Equipment/Software</i>	<i>\$25,000</i>
<i>Special Projects/Studies</i>	<i>25,000</i>

To Department of Human Services - Division of Substance Abuse:

Under terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 132, Chapter 394, Laws of Utah 1998. Expenditures of these funds are limited to:

<i>Computer Equipment/Software</i>	<i>\$20,000</i>
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To Department of Human Services - Division of Services for People with Disabilities:

Under terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 133, Chapter 394, Laws of Utah 1998. Expenditures of these funds are limited to:

<i>Computer Equipment/Software</i>	<i>\$25,000</i>
<i>Equipment/Supplies</i>	<i>25,000</i>

To Department of Human Services - Division of Aging and Adult Services:

Under terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 136, Chapter 394, Laws of Utah 1998. Expenditures of these funds are limited to:

<i>Special Projects/Studies</i>	<i>\$10,000</i>
<i>Medicaid Waiver Late Billings</i>	<i>10,000</i>
<i>Computer Equipment/Software</i>	<i>5,000</i>
<i>Transportation</i>	<i>25,000</i>

The motion passed unanimously with Sen. Poulton and Reps. Beck, Hickman, Holladay and Throckmorton absent for the vote.

MOTION: Sen. Allen moved to adopt the following Intent Language regarding non-lapsing authority for FY 1999 Supplemental Appropriations Act:

To Department of Human Services - Division of Child and Family Services:

Under terms of UCA 63-38-8.1, the Legislature intends not to lapse Item 135, Chapter 394, Laws of Utah 1998. Expenditures of these funds are limited to:

<i>Computer Equipment</i>	<i>\$25,000</i>
<i>Computer Equipment/Supplies</i>	<i>25,000</i>

The motion passed unanimously with Sen. Poulton and Reps. Beck, Hickman, Holladay and Throckmorton absent for the vote.

MOTION: Sen. Muhlestein moved to adopt the following Intent Language regarding the Lisa P. Settlement:

It is the intent of the legislature that the Division of Services for People with Disabilities, through the Attorney General's Office, seek dismissal of the Lisa P. Settlement agreement at the earliest possible date as provided for in Item #44 of the agreement. The Division shall provide an update on the status of the Lisa P. agreement in the July, 1999 meeting of the Health and Human Service Interim Committee and to the 2000 Health and Human Services Appropriations Subcommittee.

The motion passed unanimously with Sen. Poulton and Reps. Beck, Hickman, Holladay and Throckmorton absent for the vote.

MOTION: Sen. Muhlestein moved to request an interim study item to amend the rule governing the FACT to include a schedule for the Joint Legislative Group meeting.

The motion passed unanimously with Sen. Poulton and Reps. Beck, Hickman, Holladay and Throckmorton absent for the vote.

MOTION: Sen. Muhlestein moved to request an interim study item to look at amending 26-18-10, Utah Medical Assistance Program - Policies and Standards, to allow for an allotment of funding for emergency medical services to persons not qualified for Medicaid or the Utah Medical Assistance Program.

The motion passed unanimously with Sen. Poulton and Reps. Beck, Hickman, Holladay and Throckmorton absent for the vote.

MOTION: Sen. Muhlestein moved to request the Executive Appropriations Committee to instruct the Fiscal Analyst to perform a study of the funding and operation of the Governor's Council for People with Disabilities during the 1999 interim. The report will be presented to the Health and Human Services Appropriations Subcommittee during the 2000 General Session.

The motion passed unanimously with Sen. Poulton and Reps. Hickman, Holladay and Throckmorton absent for the vote.

MOTION: Sen. Allen moved to request the Executive Appropriations Committee to instruct the Fiscal Analyst to perform a study of the Veteran's Nursing Home during the 1999 interim. The report is to be presented to the Health and Human Services Joint Appropriation Subcommittee during the 2000 General Session.

The motion passed unanimously with Sen. Poulton and Reps. Hickman, Holladay and Throckmorton absent for the vote.

MOTION: Rep. Hogue moved to accept the following Intent Language regarding increased spending for the Drug Courts:

It is the intent of the Legislature that the Division of Substance Abuse increase spending by \$200,000 from the federal Substance Abuse Prevention and Treatment grant for additional services for local Drug Courts.

The motion passed unanimously with Sen. Poulton and Reps. Hickman, Holladay and Throckmorton absent for the vote.

MOTION: Sen. Muhlestein moved to adjourn the meeting. The motion passed unanimously with Sen. Poulton and Reps. Hickman, Holladay and Throckmorton absent at the time of voting.

Committee Co-Chair Rep. Wright adjourned the meeting at 4:55 p.m.

Minutes were reported by Bonnie Brinton, Secretary.

Sen. Robert Muhlestein, Co-Chair

Rep. Bill Wright, Co-Chair