

**MINUTES OF THE
HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM 223, STATE CAPITOL BUILDING
February 4, 2004**

MEMBERS PRESENT: Rep. Mike Thompson, Chair
 Rep. Steven R. Mascaro, Vice-Chair
 Rep. Calvin G. Bird
 Rep. Judy Ann Buffmire
 Rep. D. Gregg Buxton
 Rep. Marda Dillree
 Rep. Patricia W. Jones
 Rep. Bradley G. Last
 Rep. David Litvack
 Rep. Rebecca Lockhart

STAFF PRESENT: Mark Andrews, Policy Analyst
 Sylvia Newton, Committee Secretary

Note: List of visitors and copy of handouts are filed with committee minutes.

Rep. Thompson called the meeting to order at 8:07 a.m.

MOTION: Rep. Buxton moved to approve the minutes of the February 2, 2004 meeting. The motion passed unanimously with Rep. Dillree absent for the vote.

S.B. 30 Medical Benefits Recovery Act Amendments (*Sen. S. Killpack*)

Sen. Killpack introduced S.B. 30 and explained it to the committee.

Spoke in favor of the bill: Edward Havas, past president, Utah Trial Lawyers Association

MOTION: Rep. Lockhart moved to pass the bill out favorably. The motion passed unanimously with Rep. Dillree absent for the vote.

H.B. 227 Midwife Certification Act (*Rep. J. Biskupski*)

H.B. 227 was amended in the committee meeting of February 2, 2004.

MOTION: Rep. Bird moved to further amend the bill as follows:

1. *Page 1, Line 23:* After "can be" delete "prescribed" and insert "obtained"
2. *Page 12, Line 349:* After "obtain" delete "an" and insert "a written"

3. *Page 12, Line 354:* After "one;" delete "and" and insert "(iii) the fact, if true, that the certified Direct-entry midwife is not a certified nurse midwife or a physician;"
4. *Page 12, Line 355:* Delete "(iii)" and insert "(iv)"
5. *Page 12, Line 356:* Delete the period "." and insert ";
(v) whether the certified Direct-entry midwife is covered by a professional liability insurance policy; and
(vi) the fact that the client's decision not to use a physician or a certified nurse midwife may be taken into account in a malpractice action."
6. *Page 13, Line 376:* After line 376 insert "(6) This chapter does not mandate health insurance coverage for midwife services."
7. *Page 13, Line 386:* After "briefing" delete "data"
8. *Page 13, Lines 389 through 390:* After "(b)" delete the rest of line 389 and line 390 and insert:
"A provider-patient relationship may not arise from a physician or certified nurse midwife providing medical advice or issuing a medical order to the midwife for the midwife's client.
(c) Regardless of the advice or order given, the responsibility and liability for caring for the client rests with the midwife."
9. *Page 13, Line 391:* Delete "(c)" and insert "(d)"
10. *Page 13, Line 393:* Delete "(d)" and insert "(e)"

Rep. Bird explained the amendment. The motion to amend the bill passed unanimously.

Rep. Biskupski introduced the amended H.B. 227 and explained it to the committee. She was assisted by Suzanne Smith, Utah Medical Association, who provided a handout to the committee.

Spoke in opposition to the bill: Jim Antinori, M.D., Utah Emergency Physicians
Dave Gessel, Utah Hospital Association

Spoke to the bill: Laura Poe, Division of Professional Licensing
Val Bateman, Utah Medical Association

Spoke in favor of the bill: Adon Crook, dentist

MOTION: Rep. Litvack moved to pass the amended bill out favorably. The motion passed with Rep. Last voting in opposition to the motion.

H.B. 236 Families, Agencies, and Communities Together Amendments (*Rep. D. Litvack*)

H.B. 236 was not considered in this meeting at the sponsor's request.

H.B. 86 Primary Care Network Amendments (*Rep. K. Holdaway*)

Rep. Holdaway introduced H.B. 86 and explained it to the committee.

Spoke in favor of the bill: Judi Hilman, Utah Issues (with handout)
Sheila Walsh-McDonald, Salt Lake Community Action Program
Ferdinand Turri, PCN beneficiary

MOTION: Rep. Litvack moved to pass the bill out favorably. The motion passed unanimously with Rep. Bird, Rep. Dillree, and Rep. Lockhart absent for the vote.

MOTION: Rep. Buxton moved to adjourn. The motion passed unanimously with Rep. Bird, Rep. Dillree, and Rep. Lockhart absent for the vote.

The meeting was adjourned at 9:50 a.m.

Rep. Mike Thompson
Committee Chair