

**MINUTES OF THE
SENATE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
THURSDAY, FEBRUARY 12, 2004
ROOM 414, STATE CAPITOL BUILDING**

Members Present: Sen. James M. Evans, Chair
Sen. Ron Allen
Sen. Beverly Evans
Sen. Scott K. Jenkins
Sen. Paula F. Julander
Sen. Peter Knudson
Sen. David L. Thomas

Members Excused: Sen. Leonard Blackham

Staff Present: Mark Andrews, Policy Analyst
Jeanne Wride, Committee Secretary

Public Speakers Present: Rick Schwermer, Administrative Office of the Courts
Laura Poe, Division of Occupational and Professional Licensing
Jeremy Fotheringham, Utah Nurses Association
Reid Barker, Utah Pharmaceutical Association
Dr. Jim Knight, Utah Chiropractic Association
Brent Ottley, Acupuncturist
Flo McNeely, Acupuncturist
Dianne Nielson, Department of Environmental Quality
Kristen Brewer, Guardian Ad Litam

A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Thomas called the meeting to order at 8:17 a.m.

MOTION TO APPROVE MINUTES:

MOTION: Sen. Allen moved to approve the minutes of January 6th and 10th, 2004.

The motion passed unanimously with Sen. Jenkins and Sen. J. Evans absent for the vote.

**1. S.B. 214 PROHIBITION OF OBESITY LAWSUITS AGAINST RESTAURANTS
(*Sen. H. Stephenson*)**

MOTION: Sen. B. Evans moved to adopt 1st Sub. S.B. 214.

The motion passed with Sen. Jenkins and Sen. J. Evans absent at the time of the vote.

Sen. J. Evans assumed the committee chair.

2. 2nd SUB. H.B. 198 CHILD WELFARE COURT REPORTS (Rep. M. Thompson)

Rep. Thompson presented the bill to the committee.

Rick Schwermer, Administrative Office of the Courts, spoke to the bill.

MOTION: Sen. Knudson moved to amend 2nd Sub H.B. 198 as follows:

*1. Page 4, Lines 96 through 99
House Floor Amendments
2-3-2004:*

96 ~~h~~ ~~(iii)~~ ~~(iii)~~ ~~h~~ for all other proceedings, no less than ~~[[three]]~~ **five** days
before the proceeding.

97 (c) If a party to a proceeding obtains information after the deadline in Subsection
98 (5)(b), the information is exempt from the disclosure required under Subsection (5)(a) if
the

99 party certifies to the court that the information was obtained after the deadline.

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

MOTION: Sen. Knudson moved to pass 2nd. Sub. H.B. 198 out of committee with a favorable recommendation.

The motion passed with Sen. Jenkins absent for the vote.

3. S.B. 107 ADVANCED PRACTICE REGISTERED NURSE MODIFICATIONS (Sen. P. Knudson)

Sen. Knudson presented the bill to the committee.

Laura Poe, Occupational and Professional Licensing and Jeremy Fotheringham, Utah Nursing Association, spoke to the bill.

MOTION: Sen. Julander moved to pass S.B. 107 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Jenkins and Sen. Thomas absent for the vote.

4.. S.B. 114 AMENDMENTS TO PRESCRIBING, PREPARATION, AND DISPENSING OF PRESCRIPTION DRUGS (Sen. P. Knudson)

MOTION: Sen. Knudson moved to amend S. B. 114 as follows:

1. *Page 53, Line 1624:*

1624 outside of the pharmacy facility. =

(3)(a) The provisions of Subsections (1) and (2) do not apply to incarcerated patients or persons otherwise under the jurisdiction of the Utah Department of Corrections or a county detention facility.

(b) A written communication with a person described in Subsection (3)(a) shall be used by a pharmacist or pharmacy intern in lieu of a face to face or telephonic communication for the purpose of counseling the patient.

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

Sen. Knudson presented the bill to the committee.

Laura Poe, Occupational and Professional Licensing, and Reid Barker, Utah Pharmaceutical Association, spoke to the bill.

MOTION: Sen. B. Evans moved to pass S.B. 114, as amended, out of committee with a favorable recommendation.

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

5. **S.B. 249 DEFINING PRACTICE OF CHIROPRACTIC PHYSICIAN (Sen. D. C. Buttars)**

Sen. Buttars presented the bill to the committee.

Dr. Jim Knight, Utah Chiropractic Association, and Laura Poe, Occupational and Professional Licensing, spoke to the bill. Brent Ottley, Acupuncturist, and Flo McNeely, Acupuncturist, spoke in opposition to the bill.

MOTION: Sen. Jenkins moved to pass S. B. 249 out of committee with a favorable recommendation.

The motion passed unanimously.

6. **1st SUB. H.B. 200 RECOGNITION OF FOREIGN ADOPTIONS (Rep. Harper)**

Rep. Harper presented the bill to the committee.

MOTION: Sen. B. Evans moved to pass 1st. Sub. H. B. 200 out of committee with a favorable recommendation.

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

MOTION: Sen. Thomas moved to place 1st Sub. H.B. 200 on the consent calendar.

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

7. **S.B. 180 BROWNFIELD PROPERTIES - AMENDMENTS** (Sen. B. Wright)

Diane Nielson, Department of Environmental Quality, presented the bill to the committee.

MOTION: Sen. B. Evans moved to pass S.B. 180 out of committee with a favorable recommendation.

The motion passed unanimously.

7. **H.B. 60 PROTECTION OF CHILDREN IN FOSTER CARE** (Rep. Litvack)

Rep. Litvack presented the bill to the committee.

MOTION: Sen. Julander moved to amend H.B.60 as follows:

1. *Page 4, Lines 104 through 109c*
House Committee Amendments
1-27-2004:

104 (6) (a) The division may allow its contract providers and the Office of the Guardian
105 Ad
106 Litem to have limited access to the Management Information System. A division contract
107 provider has access only to information about persons who are currently receiving
108 services
109 from that specific contract provider. The Office of the Guardian Ad Litem has access
110 only to
111 information about children and families where the Office of the Guardian Ad Litem has
112 been
113 appointed by a court to represent the interests of the children. **h THE ACCESS**
114 **GRANTED TO THE**
115 **OFFICE OF THE GUARDIAN AD LITEM IS LIMITED TO INFORMATION**

ENTERED INTO THE SYSTEM

109b **ON OR AFTER JULY 1, 2004, EXCEPT THE OFFICE MAY HAVE ACCESS TO
ALL CHILD ABUSE AND**

109c **NEGLECT REFERRALS** **h about children and families where the Office has been
appointed by a court to represent the interests of the children.**

Kristen Brewer, Guardian Ad Litam, spoke to the bill.

MOTION: Sen. Julander moved to pass H.B. 60 out of committee with a favorable recommendation.

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

MOTION: Sen. B. Evans moved to adjourn.

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

Chair J. Evans adjourned the meeting at 10:00 a.m.

Minutes reported by Jeanne Wride, Secretary

Sen. James Evans, Committee Chair