

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM W125, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
January 27, 2006**

MEMBERS PRESENT: Rep. Bradley G. Last, Chair
 Rep. Paul Ray, Vice Chair
 Rep. D. Gregg Buxton
 Rep. David Litvack
 Rep. Rebecca Lockhart
 Rep. Steven R. Mascaro
 Rep. Ronda R. Menlove

STAFF ABSENT: Rep. Patricia W. Jones

STAFF PRESENT: Mark Andrews, Policy Analyst
 Catherine Dupont, Associate General Counsel
 Sylvia Newton, House Secretary

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

Rep. Last called the meeting to order at 8:10 a.m.

MOTION: Rep. Lockhart moved to approve the minutes of the January 24, 2006 meeting. The motion passed unanimously with Rep. Buxton, Rep. Litvack, and Rep. Menlove absent for the vote.

S.B. 8 Care of Students with Diabetes in School (*Sen. P. Arent*) (Rep. M. Dayton**)**

Sen. Arent introduced S.B. 8 and explained it to the committee, assisted by Natalie Rodgers, parent of a child with Diabetes. (handout)

Spoke in favor of the bill: Mary Murray, M.D., Primary Children's Medical Center
 Dawn Higley, R.N., American Diabetes Association

MOTION: Rep. Litvack moved to pass the bill out favorably. The motion passed unanimously.

H.B. 105 Medicaid Generic Drug Reimbursement Amendments (*Rep. M. Walker*)

MOTION: Rep. Lockhart moved to amend the bill as follows:

- 44 Health may only reimburse for the generic form of the drug unless {~~;~~
- 45 ~~—(a)}~~ the treating physician demonstrates to the Department of Health a medical
necessity
- 46 for dispensing the nongeneric, brand-name legend drug[~~;~~] {~~;~~ or
- 47 ~~—(b) reimbursement to the state for the brand name drug makes the brand name~~
~~drug less~~
- 48 ~~expensive to the state than the cost of the generic form of the drug}~~ . . .
(5) The Department of Health pharmacists may override the generic mandate
provisions of Subsection (4) if a financial benefit will accrue to the state.
- 49 {~~(5)}~~ (6) This section does not affect the state's ability to exercise the
exclusion options
- 50 available under the Federal Omnibus Budget Reconciliation Act of 1990.

The motion to amend the bill passed unanimously.

Rep. Walker introduced H.B. 105 as amended and explained it to the committee.

Spoke in favor of the bill: Michael Hales, Department of Health

MOTION: Rep. Mascaro moved to pass the amended bill out favorably. The motion passed unanimously.

MOTION: Rep. Ray moved to place H.B. 103 on the Consent Calendar. The motion passed unanimously.

H.B. 237 Direct-entry Midwife Act - Repealers (Rep. J. Biskupski)

Rep. Biskupski introduced H.B. 237 and explained it to the committee, assisted by Suzanne Smith.

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

MOTION: Rep. Ray moved to place H.B. 237 on the Consent Calendar. The motion passed unanimously with Rep. Menlove absent for the vote.

Rep. Last relinquished the chair to Rep. Ray.

H.B. 262 Respiratory Care Amendments (Rep. B. Last)

MOTION: Rep. Last moved to amend the bill as follows:

1. *Page 5, Lines 138 through 139:*

138 58-57-7. Exemptions from licensure.

139 (1) For purposes of Subsection (2)(b), "qualified" means an individual who is a registered polysomnographic technologist or a Diplomate certified by the American Board of Sleep Medicine.

(2) In addition to the exemptions from licensure in Section 58-1-307, the following

2. *Page 6, Line 155:*

155 evaluation or treatment of the patient; =

(f) (i) any person who is working in a practitioner's office, acting under supervision; and

(ii) for purposes of this Subsection (f) and Subsection (g), "supervision" means one of the following will be immediately available for consultation in person or by phone:

(A) a practitioner;

(B) a respiratory therapist;

(C) a Diplomate of the American Board of Sleep Medicine; or

(D) a registered polysomnographic technologist; and

(g) a polysomnographic technician or trainee, acting under supervision, as long as they only administer the following in a sleep lab, sleep center, or sleep facility:

(i) oxygen titration; and

(ii) positive airway pressure that does not include mechanical ventilation.

renumber remaining subsections accordingly

The motion to amend the bill passed unanimously with Rep. Menlove absent for the vote.

Rep. Last introduced H.B. 262 as amended and explained it to the committee, assisted by Shelly Teuscher, Praxair.

Spoke in favor of the bill: Paul Eberle, Weber State University, President of Utah Society of Respiratory Care

Rep. Last declared a conflict of interest.

MOTION: Rep. Mascaro moved to pass the bill as amended out favorably. The motion passed unanimously with Rep. Litvack and Rep. Menlove absent for the vote.

**H.J.R. 14 Resolution Urging State Agencies to Update References to Mental Retardation
(Rep. D. Hogue)**

Rep. Hogue introduced H.J.R. 14 and explained it to the committee.

Spoke in favor of the bill: Tom Brownlee, People First
Joyce Dolcourt, Legislative Coalition for People with Disabilities
Alison Lozano, Utah Developmental Disabilities Center
Kris Fawson, Legislative Coalition for People with Disabilities
Fraser Nelson, Disability Law Center
Pamela Atkinson, community advocate

Rep. Mascaro declared a conflict of interest.

MOTION: Rep. Mascaro moved to pass the resolution out favorably. The motion passed unanimously with Rep. Litvack and Rep. Lockhart absent for the vote.

MOTION: Rep. Litvack moved to adjourn the meeting. The motion passed unanimously with Rep. Lockhart absent for the vote.

Rep. Ray adjourned the meeting at 9:20 a.m.

Rep. Bradley G. Last
Committee Chair

