

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM W125, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
February 17, 2006**

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

STAFF ABSENT: Rep. Patricia W. Jones
 Rep. Steven R. Mascaro

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

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

Rep. Ray called the meeting to order at 4:41 p.m.

MOTION: Rep. Litvack moved to approve the minutes of the February 15, 2006 meeting. The motion passed unanimously with Rep. Lockhart absent for the vote.

H.B. 128 Medicaid - Pregnant Women Resource Test (*Rep. M. Wheatley*)
H.B. 197 Medicaid Resource Standards and Methodologies (*Rep. D. Hogue*)

These bills were not considered in this meeting.

H.B. 388 Traumatic Brain Injury Fund (*Rep. J. Gowans*)

Rep. Gowans introduced H.B. 388 and explained it to the committee, assisted by Nita Smith, representing People with Brain Injury. Rep. Gowans declared a conflict of interest.

Spoke in favor of the bill: Jerry Costley, Disabled Rights Action Committee
 Ron Roskos, Brain Injury Association of Utah (handout)
 Teresa Such/Neibar, M.D., Primary Children's Medical Center
 Fraser Nelson, Disability Law Center

Rep. Menlove and Rep. Ray both declared conflicts of interest.

MOTION: Rep. Litvack moved to pass H.B. 388 out favorably. The motion passed unanimously with Rep. Lockhart absent for the vote.

S.B. 178 State Executive Compensation - Department of Health (Sen. P. Knudson)

Sen. Knudson introduced S.B. 178 and explained it to the committee.

MOTION: Rep. Menlove moved to pass S.B. 178 out favorably. The motion passed unanimously.

S.B. 160 Physician Licensing Amendments (Sen. B. Evans)

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

1. *Page 1, Line 22:*

22 58-67-302, as last amended by Chapter 94, Laws of Utah 2005
= 58-68-302, as last amended by Chapter 94, Laws of Utah 2005

2. *Page 4, Lines 93 through 94*
Senate Committee Amendments
2-6-2006:

93 (b) the applicant ~~§~~→ [documents] submits a written document to the division
from :

(i) a

93a health care facility licensed under Title 26, Chapter 21, Health Care Facility Licensing and

93b Inspection Act, stating ~~←§~~ that the applicant is practicing under the invitation of ~~§~~→ [a

94 sponsoring entity;] the health care facility; ~~←§~~ or

(ii) two individuals licensed under this chapter, whose license is in good standing
and who practice in the same clinical location, both stating that:

(A) the applicant is practicing under the invitation of the individual; and

(B) the applicant will practice at the same clinical location as the individual;

3. *Page 4, Line 103b*
Senate Committee Amendments
2-6-2006:

103b days after the applicant satisfies the requirements of Subsection (3). ~~←§~~

Section 2. Section 58-68-302 is amended to read:

58-68-302. Qualifications for licensure.

(1) An applicant for licensure as an osteopathic physician and surgeon, except as set forth in Subsection (2) or (3), shall:

- (a) submit an application in a form prescribed by the division, which may include:
 - (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant; and
 - (ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant;
- (b) pay a fee determined by the department under Section 63-38-3.2;
- (c) be of good moral character;
- (d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as an osteopathic physician and surgeon, as evidenced by having received an earned degree of doctor of osteopathic medicine from:
 - (i) an AOA approved medical school or college; or
 - (ii) an osteopathic medical school or college located outside of the United States or its jurisdictions which at the time of the applicant's graduation, met criteria for accreditation by the AOA;
- (e) hold a current certification by the Educational Commission for Foreign Medical Graduates or any successor organization approved by the division in collaboration with the board, if the applicant graduated from a medical school or college located outside of the United States or its jurisdictions;
- (f) satisfy the division and board that the applicant:
 - (i) has successfully completed 24 months of progressive resident training in an ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine required under Subsection (1)(d); or
 - (ii) (A) has successfully completed 12 months of resident training in an ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine as required under Subsection (1)(d);
 - (B) has been accepted in and is successfully participating in progressive resident training in an ACGME or AOA approved program within Utah, in the applicant's second or third year of postgraduate training; and
 - (C) has agreed to surrender to the division his license as an osteopathic physician and surgeon without any proceedings under Title 63, Chapter 46b, Administrative Procedures Act, and has agreed his license as an osteopathic physician and surgeon will be automatically revoked by the division if the applicant fails to continue in good standing in an ACGME or AOA approved progressive resident training program within the state;
- (g) pass the licensing examination sequence required by division rule, as made in collaboration with the board;
- (h) be able to read, write, speak, understand, and be understood in the English

language and demonstrate proficiency to the satisfaction of the board, if requested by the board;

(i) meet with the board and representatives of the division, if requested for the purpose of evaluating the applicant's qualifications for licensure;

(j) designate:

(i) a contact person for access to medical records in accordance with the federal Health Insurance Portability and Accountability Act; and

(ii) an alternate contact person for access to medical records, in the event the original contact person is unable or unwilling to serve as the contact person; and

(k) establish a method for notifying patients of the identity and location of the contact person and alternate contact person, if the applicant will practice in a location with no other persons licensed under this chapter.

(2) An applicant for licensure as an osteopathic physician and surgeon qualifying under the endorsement provision of Section 58-1-302 shall:

(a) be currently licensed in good standing in another jurisdiction as set forth in Section 58-1-302;

(b) (i) document having met all requirements for licensure under Subsection (1) except, if an applicant received licensure in another state or jurisdiction based upon only 12 months residency training after graduation from medical school, the applicant may qualify for licensure in Utah by endorsement only if licensed in the other state prior to July 1, 1996; or

(ii) document having obtained licensure in another state or jurisdiction whose licensure requirements were at the time of obtaining licensure equal to licensure requirements at that time in Utah;

(c) have passed the SPEX examination within 12 months preceding the date of application for licensure in Utah if the date on which the applicant passed qualifying examinations for licensure is greater than five years prior to the date of the application for licensure in Utah, or meet medical specialty certification requirements which may be established by division rule made in collaboration with the board;

(d) have been actively engaged in the practice as an osteopathic physician and surgeon for not less than 6,000 hours during the five years immediately preceding the date of application for licensure in Utah; ~~{and}~~

(e) meet with the board and representatives of the division, if requested for the purpose of evaluating the applicant's qualifications for licensure ~~{and}~~ ; and

= (f) not have a license that was suspended or revoked in any state, unless the license was subsequently reinstated as a full unrestricted license in good standing;

and

(3) An applicant for licensure as an osteopathic physician and surgeon, who has been licensed as an osteopathic physician in Utah, who has allowed his license in Utah to expire for nonpayment of license fees, and who is currently licensed in good standing in another state or jurisdiction of the United States shall:

- (a) submit an application in a form prescribed by the division;
- (b) pay a fee determined by the department under Section 63-38-3.2;
- (c) be of good moral character;

(d) have passed the SPEX examination within 12 months preceding the date of application for licensure in Utah if the date on which the applicant passed qualifying examinations for licensure is greater than five years prior to the date of the application for licensure in Utah;

(e) have been actively engaged in the practice as an osteopathic physician for not fewer than 6,000 hours during the five years immediately preceding the date of application for licensure; and

(f) meet with the board and representatives of the division, if requested for the purpose of evaluating the applicant's qualifications for licensure.

(4) An applicant for licensure by endorsement may engage in the practice of medicine under a temporary license while the applicant's application for licensure is being processed by the division, provided:

(a) the applicant submits a complete application required for temporary licensure to the division;

(b) the applicant submits a written document to the division from:

(i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, stating that the applicant is practicing under the invitation of the health care facility; or

(ii) two individuals licensed under this chapter, whose license is in good standing and who practice in the same clinical location, both stating that:

(A) the applicant is practicing under the invitation of the individual; and

(B) the applicant will practice at the same clinical location as the individual;

(c) the applicant submits a signed certification to the division that the applicant meets the requirements of Subsection (2);

(d) the applicant does not engage in the practice of medicine until the division has issued a temporary license;

(e) the temporary license is only issued for and may not be extended beyond the duration of one year from issuance; and

(f) the temporary license expires immediately and prior to the expiration of one year from issuance, upon notification from the division that the applicant's application for licensure by endorsement is denied.

(5) The division shall issue a temporary license under Subsection (4) within 15 business days after the applicant satisfies the requirements of Subsection (4).

The motion to amend the bill passed unanimously.

Sen. Evans introduced S.B. 160 as amended and explained it to the committee, assisted by David Gessel, Utah Hospital Association.

MOTION: Rep. Litvack moved to pass S.B. 160 as amended out favorably. The motion passed unanimously.

S.C.R. 1 Resolution Encouraging School Boards to Adopt Policy Prohibiting Bullying
(Sen. P. Arent)

Sen. Arent introduced S.C.R. 1 and explained it to the committee, assisted by Rep. Ronda Menlove.

Spoke in favor of the bill: Reed Cowan, anti-bullying advocate
Ronda Rose, Utah PTA

MOTION: Rep. Litvack moved to pass S.C.R.1 out favorably. The motion passed unanimously.

MOTION: Rep. Litvack moved to place S.C.R. 1 on the Consent Calendar. The motion passed unanimously.

MOTION: Rep. Litvack moved to adjourn the meeting. The motion passed unanimously.

Rep. Last adjourned the meeting at 5:35 p.m.

Rep. Bradley G. Last, Committee Chair