

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM W125, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
January 25, 2008**

MEMBERS PRESENT: Rep. Paul Ray, Chair
 Rep. Ronda R. Menlove, Vice Chair
 Rep. John Dougall
 Rep. Richard A. Greenwood
 Rep. David Litvack
 Rep. Phil Riesen
 Rep. Stephen E. Sandstrom

MEMBERS ABSENT: Rep. Wayne A. Harper

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 8:37 a.m.

MOTION: Rep. Greenwood moved to approve the minutes of the January 22, 2008 meeting.
 The motion passed unanimously with Rep. Dougall and Rep. Litvack absent for the
 vote.

H.B. 258 Medicaid Drug Utilization Amendments (Rep. R. Lockhart)

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

1. Page 3, Lines 65 through 68:

65 (c) { ~~Notwithstanding the provisions of Subsection 58-17b-606(4), the state~~
~~Medicaid~~
66 ~~drug program may not require the substitution of a generic equivalent for an~~
67 ~~immunosuppressive drug without written or oral consent from the health care~~
~~provider and the~~
68 ~~patient.~~ } The state Medicaid program shall reimburse for a prescription for an
immunosuppressive drug as written by the health care provider for a patient who has
undergone an organ transplant. For purposes of Subsection 58-17b-606(4), and with
respect to patients who have undergone an organ transplant, the prescription for a
particular immunosuppressive drug as written by a health care provider meets the
criteria of demonstrating to the Department of Health a medical necessity for
dispensing the prescribed immunosuppressive drug .

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

Rep. Lockhart presented H.B. 258 as amended to the committee. (handout)

Spoke in favor of the bill: Casey Hill, American Heart Association
David Sundwall, M.D., Utah Department of Health
Michelle McOmber, Utah Medical Association

Spoke in opposition to the bill: Elizabeth Garbe, Utah Health Policy Project

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

H.B. 119 Controlled Substance Database Amendments (Rep. B. Daw)

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

1. *Page 1, Lines 22 through 23:*

22 ▶ establishes a pilot program, beginning on July 1, 2008, and ending on
 { ~~December 1,~~
23 ~~2009, in Davis, Salt Lake, Utah, and Weber counties~~ } July 1, 2010 , for the
 real-time reporting of,

2. *Page 2, Lines 31 through 35:*

31 ▶ requires the Division of Occupational and Professional Licensing to implement
 the
32 pilot program established in this bill on a statewide basis on or before { ~~December 1,~~
33 ~~2009, and provides that the division may implement the pilot program on a~~
34 ~~statewide basis at anytime after July 1, 2008, if the division and the Utah State~~
35 ~~Board of Pharmacy determine that the pilot program is successful~~ } July 1,
 2010 ; and

3. *Page 5, Line 151:*

151 (f) federal, state, and local law enforcement authorities , and state and local
 prosecutors, engaged as a specified duty of

4. *Page 7, Line 211 through Page 8, Line 215:*

211 (i) "Pilot area" means {

- 212 ~~—(A) Davis County;~~
213 ~~—(B) Salt Lake County;~~
214 ~~—(C) Utah County; and~~
215 ~~—(D) Weber County}~~ the areas of the state that the division determines to
operate the pilot program in, under Subsection (3), which may include:
(A) the entire state; or
(B) geographical areas within the state .

5. *Page 8, Lines 218 through 231:*

- 218 (2) There is established a pilot program for real-time reporting of data to, and access
219 to
220 data from, the database by a pharmacy, a pharmaceutical facility, or a physician beginning
221 on
222 July 1, 2008, and ending on ~~{December 1, 2009.}~~ July 1, 2010.
223 (3) In addition to fulfilling the requirements of Sections 58-37-7.5 and 58-37-7.7 on
224 a
225 statewide basis, the division shall , in accordance with Subsection (4), upgrade,
226 administer, and direct the functioning of the
227 database in ~~{the pilot area}~~ geographical areas specified by the division, or
228 on a statewide basis, in a manner that provides for real-time reporting of information
229 entered into, and accessed from, the database by a pharmacy or pharmaceutical facility.
230 (4) ~~{(a)}~~ The division ~~{may}~~ shall , under state procurement laws,
231 and with the technical assistance of the Department of Technology
Services, contract with ~~{another state~~
232 agency or} a private entity to upgrade, operate, ~~{or}~~ and maintain the
233 database in the pilot area.
234 ~~{(b) The division shall collaborate with the board to determine whether to~~
235 ~~enter into a~~
236 ~~contract under Subsection (4)(a), or to provide the services described in Subsection~~
237 ~~(4)(a)~~
238 ~~within the division.~~
239 ~~—(c) The division and the board shall make the determination described in~~
240 ~~Subsection~~
241 ~~(4)(b) based on an analysis of costs and benefits.~~}

6. *Page 9, Lines 254 through 257:*

254 (10) ~~{(a)}~~ The division shall, on or before ~~{December 1, 2009}~~ July 1,
 2010, implement the pilot
255 program on a statewide basis.
256 ~~{(b) The division may implement the pilot program on a statewide basis at~~
 ~~anytime after~~
257 ~~July 1, 2008, if the division and the board determine that the pilot program is~~
 ~~successful.}~~

7. Page 9, Lines 263 through 265:

263 (2) \$650,000 ~~{in nonlapsing funds}~~ from the General Fund, for the fiscal year
 2008-09
264 only, to the Division of Occupational and Professional Licensing to implement and operate
 the
265 pilot program described in this bill.
 (3) The \$650,000 appropriated from the General Fund, under Subsection
 (2), shall be nonlapsing.

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

Rep. Daw presented H.B. 119 as amended to the committee.

Spoke to the bill: Wade Farraway, Attorney General's Office
 Jim Olsen, Utah Retail Merchants Association
 David Sundwall, M.D., Utah Department of Health (handout)
 Kevin Wyatt, citizen

Spoke in favor of the bill: Michelle McOmber, Utah Medical Association
 Roger Stuart, M.D., Workers Compensation Fund

MOTION: Rep. Dougall moved to proceed to the next item on the agenda and put this bill on the next agenda. The motion passed unanimously with Rep. Litvack and Rep. Riesen absent for the vote.

H.B. 45 Supported Employment Services to a Person with a Disability (Rep. R. Menlove)

Rep. Menlove presented H.B. 45 to the committee, assisted by George Kelner, Director, Division of Services for People with Disabilities. (handout)

Spoke in favor of the bill: Kris Fawson, Legislative Coalition for People with Disabilities
Steven Clyde, recipient of services
Karen Huggins, job coach

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

MOTION: Rep. Dougall moved to place H.B. 45 on the Consent Calendar with the approval of Rep. Menlove. The motion passed unanimously with Rep. Litvack and Rep. Riesen absent for the vote.

H.B. 46 Adoption and Termination of Parental Rights (*Rep. S. Allen*)

Rep. Allen presented H.B. 46, assisted by Larry Jenkins, Utah Adoption Council.

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

MOTION: Rep. Sandstrom moved to place H.B. 46 on the Consent Calendar with the approval of Rep. Allen. The motion passed unanimously with Rep. Litvack Rep. Riesen, and Rep. Menlove absent for the vote.

MOTION: Rep. Dougall moved to adjourn the meeting. The motion passed unanimously Rep. Litvack, Rep. Riesen, and Rep. Menlove absent for the vote.

Rep. Ray adjourned the meeting at 9:44 a.m.

Rep. Paul Ray
Committee Chair

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