

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES  
STANDING COMMITTEE  
THURSDAY, FEBRUARY 7, 2008  
ROOM W020, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. D. Chris Buttars, Chair  
Sen. Allen M. Christensen  
Sen. Brent H. Goodfellow  
Sen. Peter C. Knudson  
Sen. Scott D. McCoy

Staff Present: Mark D. Andrews, Policy Analyst  
Nedra B. Duzett, Secretary

Public Speakers Present: Michelle McOmber, Utah Medical Association  
Laura Poe, Bureau Manager, Division of Occupational and Professional Licensing  
Ann Denarus, Certified Nurse Midwife  
Dr. Cynthia Jones, OBGYN, Utah Medical Association  
Holly Richardson, R.N., Licensed Direct-entry Midwife  
Craig Peterson, Utah Medical Association  
Laura Lund, Mother  
Representative Jackie Biskupski  
Brent Kelsey, Assistant Director, Division of Substance Abuse and Mental Health, Department of Human Services  
Debbie Turner, Department of Health  
Lisa-Michele Church, Executive Director, Department of Human Services  
Thomas Patterson, Executive Director, Department of Corrections  
Barry Nangle, Health Data, Department of Health  
Dr. Mark Babitz, Director, Health Systems Improvement, Department of Health  
Bruce King, Soaring Wings School  
Johnny Anderson, Utah Private Child Care Association  
Stan Lockhart, Utah Alliance of Boys and Girls Clubs, Inc.  
Mike Sibbetts, child care provider  
Dave Spatafore, citizen  
George Kelner, Director, Division of Services for People with Disabilities, Department of Human Services

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

Committee Chair Buttars called the meeting to order at 8:05 a.m.

**MOTION:** Sen. Goodfellow moved to approve the minutes of the February 5, 2008 meeting.

The motion passed unanimously with Sens. Christensen and Knudson absent for the vote.

**1. S.B. 93 Licensed Direct Entry Midwife Amendments (M. Dayton)**

**MOTION:** Sen. Goodfellow moved to amend the bill as follows:

*1. Page 5, Lines 132 through 134:*

132            (xi) any condition, disease, or illness that would disqualify a certified nurse midwife,  
133    licensed under Chapter 44a, Nurse Midwife Practice Act, from delivering a child {  
                  without  
134    assistance under the protocols of two or more general acute hospitals in Utah } ; or

The motion passed unanimously with Sens. Christensen and Knudson absent for the vote.

Sen. Dayton explained the amended bill.

Michelle McOmer, Utah Medical Association, gave further explanation and spoke in support of the bill.

The following individuals spoke in support of the bill:

Michelle McOmer, Utah Medical Association  
Ann Denarus, Certified Nurse Midwife  
Dr. Cynthia Jones, OBGYN, Utah Medical Association  
Laura Poe, Bureau Manager, Division of Occupational and Professional  
Licensing  
Craig Peterson, Utah Medical Association

The following individuals spoke in opposition to the bill:

Holly Richardson, R.N., Licensed Direct-entry Midwife  
Laura Lund, Mother  
Representative Jackie Biskupski

**MOTION:** Sen. Knudson moved to pass the bill out favorably.

**SUBSTITUTE MOTION:** Sen. McCoy moved to go to the next item on the agenda.

The substitute motion failed with Sen. Goodfellow and Sen. McCoy voting for the motion.

The original motion passed with Sen. Goodfellow and Sen. McCoy voting in opposition.

2. **H.B. 38 Education and Outreach Regarding Substances Harmful During Pregnancy** *(R. Menlove)*

Rep. Menlove explained the bill.

Brent Kelsey, Assistant Director, Division of Substance Abuse and Mental Health, Department of Human Services, provided additional information on the bill.

Debbie Turner, Department of Health, spoke in support of the bill.

**MOTION:** Sen. Christensen moved to pass the bill out favorably.

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

3. **Prevention Presentation**

Lisa-Michele Church, Executive Director, Department of Human Services, and Thomas Patterson, Executive Director, Department of Corrections, distributed handouts and discussed the use of preventive services.

4. **H.B. 47S1 Standards for Electronic Exchange of Clinical Health Information**  
*(R. Menlove)*

**MOTION:** Sen. Knudson moved to delete in title and body First Substitute H.B. 47 and replace it with Second Substitute H.B. 47.

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

Rep. Menlove explained the second substitute.

Barry Nangle, Health Data, Department of Health, spoke in support of the second substitute.

**MOTION:** Sen. Knudson moved to amend the second substitute as follows:

1. *Page 3, Lines 81 through 84:*

81 (b) A health care provider or third party payer is not required to use the standards  
82 adopted by the department under the provisions of Subsection (2) if the health care  
provider or  
83 third party payer engage in the ~~{-secure-}~~ electronic exchange of clinical health  
information within  
84 a particular health care system.

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

**MOTION:** Sen. Christensen moved to pass the second substitute out favorably as amended.

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

5. **S. B. 184 Child Care Licensing Exemptions** (*J. Greiner*)

**MOTION:** Sen. Goodfellow moved to adopt the amendment.

2. *Page 3, Line 70:*

70 person who holds a license or certificate issued in accordance with this chapter.

3. *Page 3, Line 74:*

74 (a) (i) under the age of ~~{-12-}~~ 13 ; or

4. *Page 3, Lines 78 through 84:*

78 (ii) a licensed or certified residential child care provider ~~{-who-}~~ , if the  
child is under the age of four;

79 or

80 (iii) an employee or owner of a licensed child care center ~~{-who-}~~ , if the  
child is under the age of four.

81 [~~(4)~~] (5) "Residential child care" means child care provided in the home of a  
provider.

82 ~~{-(6)-"School" means a public or private:~~

83 —(a) elementary school; or

84 —(b) secondary school.}

(6) "Public school" means a school that is:

- (a) except as provided in Subsection (6)(b)(ii), directly funded at public expense, including charter schools;
- (b) provides:
  - (i) education to qualifying children for any grade from first grade through twelfth grade; or
  - (ii) preschool or kindergarten to qualifying children, regardless of whether the preschool or kindergarten is funded at public expense, if the school also provides education to qualifying children for any grade from first grade through twelfth grade.

5. Page 6, Line 182:

182 schedule for playground equipment safety standards.

- (9) Nothing in this chapter may be interpreted to grant a municipality or county the authority to license or certify a child care program.

6. Page 9, Lines 258 through 264:

258 business licensed in this state; [or]

259 {+} (6) care provided to qualifying children as part of a course of study at or a program administered by an

260 educational institution that is regulated by the boards of education of this state, a private

261 education institution that provides education in lieu of that provided by the public education

262 system, or by a parochial education institution. {+}

263 ~~{(6) care provided to qualifying children by a school, including pre-school programs~~

264 ~~operated by a school;}~~

7. Page 9, Line 269 through Page 10, Line 281:

269 (8) care provided to qualifying children at a public school by an organization other than the public

270 school, if:

271 (a) the care is provided under contract with the public school; or

272 (b) the public school accepts responsibility and oversight for the care provided

by the  
273 organization;  
274 (9) care provided to qualifying children { that is:  
275 ~~—(a) under federal oversight; or~~  
276 ~~—(b) provided under a federal permit; or~~ } as part of a summer camp that  
operates on federal land pursuant to a federal permit;  
277 (10) care provided by an organization that:  
278 (a) qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue  
279 Code; and  
280 (b) is provided pursuant to a written agreement with { ~~a local or state government~~  
~~entity~~ } ;  
(i) a municipality, as defined in Section 10-1-104, that provides oversight for  
the program; or  
(ii) a county  
281 that provides oversight for the program { ~~—~~ } ; or  
(11) care provided at a residential support program that is licensed by the  
Department of Human Services.

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

**MOTION:** Sen. Christensen moved to adopt the following amendment:

1. *Page 9, Line 271 :*

After "school" insert "or on school property"

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

Dr. Mark Babitz, Director, Health Systems Improvement, Department of Health, answered questions of the committee.

The following individuals spoke in support of the bill:

Bruce King, Soaring Wings School  
Stan Lockhart, Utah Alliance of Boys and Girls Clubs, Inc.

The following individuals spoke in opposition to the bill:

Johnny Anderson, Utah Private Child Care Association

Mike Sibbetts, child care provider, spoke to the bill.

**MOTION:** Sen. Goodfellow moved to pass S.B. 184 out favorably as amended.

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

**6. S.B. 186 Custody and Parent-time for Non-parents (L. Hillyard)**

Sen. Hillyard explained the bill.

Dave Spatafore, citizen, spoke in support of the bill.

**MOTION:** Sen. Goodfellow moved to pass the bill out favorably.

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

**7. S.B. 188 Pilot Program for Summer School and after School Programs for Children with a Disability (G. Bell)**

Sen. Bell explained the bill.

George Kelner, Director, Division of Services for People with Disabilities, spoke in support of the bill.

**MOTION:** Sen. Christensen moved to pass the bill out favorably.

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

**8. S.B. 82 Ambulatory Surgical Centers Amendments (A. Christensen)**

The bill was held at the sponsor's request.

Sen. Knudson adjourned the meeting at 9:50 a.m.

Minutes reported by Nedra Duzett, Secretary.

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Sen. D. Chris Buttars, Committee Chair

Minutes of the Senate Health and Human Services Standing Committee  
February 7, 2008  
Page 8