

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES
STANDING COMMITTEE
FRIDAY, FEBRUARY 6, 2009
ROOM 250 STATE CAPITOL**

Members Present: Sen. D. Chris Buttars, Chair
Sen. Gregory S. Bell
Sen. Allen M. Christensen
Sen. David P. Hinkins
Sen. Patricia W. Jones
Sen. Luz Robles

Staff Present: Mark D. Andrews, Policy Analyst
Cami Deavila, Committee Secretary

Public Speakers Present: Kim Reid, Past President, Utah Physical Therapy Association
Michelle McOmber, Utah Medical Association
Todd Grey, Chief, State Medical Examiner's Office
Joyce Mitchell, President, Funeral Consumers Alliance of Utah
Shaun Myers, Utah Funeral Director Association
Tracy Graham, Deputy Director, Office of Recovery Services
Vicki Bell, Citizen
Liz Zentner, Health Commissioner, Utah PTA
Kelly Atkinson, Utah Health Insurance Association
Karen Clark, Vice President, Utah Eagle Forum
Marcie West, Citizen
Gayle Ruzicka, Utah Eagle Forum
Marina Lowe, Staff Attorney, ACLU of Utah
Laura Bunker, Director, United Families of Utah

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

Sen. Buttars called the meeting to order at 8:10 a.m.

Approval of Minutes

MOTION: Sen. Christensen moved to approve the minutes of the February 2, 2009 meeting.

The motion passed unanimously with Sens. Hinkins and Robles absent for the vote.

1. SB0137, Physical Therapy Practice Act (*W. Niederhauser*)

Sen. Niederhauser introduced the bill.

Mr. Reid and Ms. McOmber spoke for the bill.

MOTION: Sen. Jones moved to amend S.B. 137, Physical Therapy Practice Act, as follows:

1. *Page 13, Line 394 through Page 14, Line 411:*

394 (11) (a) "Physical therapy" or "physiotherapy" means:
395 (i) examining, evaluating, and testing ~~{, and diagnosing}~~ an individual
who has a physical
396 impairment or injury;
(ii) identifying or labeling a physical impairment or injury;
397 ~~{(fi)}~~ (iii) formulating a therapeutic intervention plan for the treatment of a
physical
398 impairment, injury, or pain;
399 ~~{(fii)}~~ (iv) assessing the ongoing effects of therapeutic intervention for the
treatment of a
400 physical impairment or injury;
401 ~~{(fiv)}~~ (v) treating or alleviating a physical impairment by designing,
modifying, or
402 implementing a therapeutic intervention;
403 ~~{(fv)}~~ (vi) reducing the risk of an injury or physical impairment;
404 ~~{(fvi)}~~ (vii) providing instruction on the use of physical measures, activities,
or devices for
405 preventative and therapeutic purposes;
406 ~~{(fvii)}~~ (viii) promoting and maintaining health and fitness;
407 ~~{(fviii)}~~ (ix) the administration of a prescription drug pursuant to Section
58-24b-403;
408 ~~{(fx)}~~ (x) subject to Subsection 58-28-307(12)(b), engaging in the
functions described in Subsections (11)(a)(i) through ~~{(fviii)}~~ (ix) in
409 relation to an animal, in accordance with the requirements of Section 58-24b-405; and
410 ~~{(fx)}~~ (xi) engaging in administration, consultation, education, and research
relating to the
411 practices described in this Subsection (11)(a).

2. *Page 16, Line 471:*

471 (n) correction of posture, body mechanics, or gait.

(15) (a) "Wound debridement" means:

(i) cleaning a wound; or

(ii) removing dead tissue from a wound.

(b) "Wound debridement" does not include surgery of any kind.

3. Page 20, Line 590:

590 (C) providing consultation by telecommunication to a physical therapist; ~~{or}~~

4. Page 20, Line 601:

601 (1)(c)(ii) ~~{.}~~ ; or

(e) the person:

(i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act;

(ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or

(iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act.

5. Page 22, Line 676 through Page 23, Line 683:

676 (2) A physical therapist assistant or a physical therapy aide may not:

677 (a) perform a physical therapy evaluation, assessment ~~{, or diagnoses}~~ ;

(b) identify or label a physical impairment or injury;

678 ~~{(b)}~~ **(c)** design a plan of care for a patient;

679 ~~{(c)}~~ **(d)** perform the joint mobilization component of manual therapy; or

680 ~~{(d)}~~ **(e)** perform the sharp selective debridement component of wound management.

681 (3) Subsection (2) ~~{(c)}~~ **(d)** does not apply to:

682 (a) simple joint distraction techniques or stretching; or

683 (b) a stretch or mobilization that can be given as part of a home exercise program.

6. Page 23, Lines 706 through 708:

706 (1) ~~{A}~~ **Subject to Subsection 58-28-307(12)(b), a** licensed physical

707 therapist may practice animal physical therapy if the licensed

708 physical therapist completes at least 100 hours of animal physical therapy training and

708 education, which shall include:

7. Page 24, Lines 712 through 714:

712 (2) ~~{A}~~ Subject to Subsection 58-28-307(12)(b), a licensed physical
therapist assistant may practice animal physical therapy, within
713 the scope of the licensed physical therapist assistant's practice, if the licensed physical
therapist
714 assistant:

8. Page 26, Lines 774 through 775:

774 (3) It is unlawful for a person who is not a licensed physical therapist ~~{or}~~ a
licensed
775 physical therapist assistant , or a person described in Subsection 58-24b-304(1)(e)
to:

9. Page 26, Line 782:

782 (b) ~~{except as provided in Subsection (6),}~~ offer, provide, or bill a person for:

10. Page 27, Lines 812 through 815:

812 ~~{(6) A person who is licensed under this title to provide a service that~~
~~constitutes the~~
813 ~~practice of physical therapy may offer, provide, or bill a person for that service, but~~
~~may not~~
814 ~~characterize that service as a physical therapy service or a physiotherapy service,~~
~~unless the~~
815 ~~person is a licensed physical therapist or a licensed physical therapist assistant.}~~

The motion passed unanimously.

MOTION: Sen. Bell moved to pass S.B. 137, Physical Therapy Practice Act, as amended, out of committee with a favorable recommendation.

The motion passed unanimously.

2. SB0142, Disposition of a Dead Body (A. Christensen)

Sen. Christensen introduced the bill.

Mr. Grey and Mr. Meyers spoke for the bill. Ms. Mitchell spoke to the bill.

MOTION: Sen. Christensen moved to pass S.B. 142, Disposition of a Dead Body, out of committee with a favorable recommendation.

The motion passed unanimously.

3. SB0158, Child Support-Cash Medical Support (G. Bell)

Sen. Bell introduced the bill.

Mr. Graham spoke for the bill.

MOTION: Sen. Bell moved to pass S.B. 158, Child Support-Cash Medical Support, out of committee with a favorable recommendation.

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

MOTION: Sen. Robles moved to place S.B. 158, Child Support-Cash Medical Support, on the consent calendar.

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

4. SR0003, Resolution Designating September 2009 as Hydrocephalus Awareness Month (G. Bell)

Sen. Bell introduced the bill.

Ms. Bell and Ms. Zentner spoke for the bill.

MOTION: Sen. Bell moved that S.R. 3, Resolution Designating September 2009 as Hydrocephalus Awareness Month, be replaced with 1st Substitute S.R. 3, Resolution Designating September 2009 as Hydrocephalus Awareness Month and Urging National Registry, and that it be amended as follows:

11. *Page 1, Lines 10 through 13:*

- 10 This resolution of the Senate designates September 2009 as Hydrocephalus
 Awareness
- 11 Month, and urges the Federal government to create a national registry for collecting
- 12 comprehensive statistics and ~~{-date-}~~ data regarding Hydrocephalus.
- 13 Highlighted Provisions:

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

MOTION: Sen. Bell moved to pass 1st Substitute S.R. 3, Resolution Designating September 2009 as Hydrocephalus Awareness Month and Urging National Registry, as amended, out of committee with a favorable recommendation.

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

MOTION: Sen. Bell moved to place 1st Substitute S.R. 3, Resolution Designating September 2009 as Hydrocephalus Awareness Month and Urging National Registry, on the consent calendar.

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

5. SJR007, Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month (*K. Mayne*)

Sen. Mayne introduced the bill.

MOTION: Sen. Jones moved to pass S.J.R. 7, Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month, out of committee with a favorable recommendation.

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

MOTION: Sen. Jones moved to place S.J.R. 7, Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month, on the consent calendar.

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

6. HB0090S01, Abortion Law Amendments (*P. Ray*)

Rep. Ray introduced the bill.

Ms. Clark, Ms. West, Ms. Lowe, Ms. McOmber spoke to the bill. Ms. Ruzicka and Ms. Buckner spoke for the bill.

MOTION: Sen. Christensen moved to pass H.B.90 S01, Abortion Law Amendments, out of committee with a favorable recommendation.

The motion passed unanimously.

7. HB0033, Refund of Unearned Health Insurance Premiums and Medicare Supplement Insurance Premiums (*P. Ray*)

The sponsor and Mr. Atkinson spoke to the bill.

8. HB0060S01, Family Preservation Services Amendments (*W. Harper*)

Rep. Harper introduced the bill.

MOTION: Sen. Christensen moved to pass H.B. 60S01, Family Preservation Services Amendments, out of committee with a favorable recommendation.

The motion Passed unanimously.

9. HB0081S01, Health Care Patient Identity Protection (*S. Sandstrom*)

Rep. Sandstrom introduced the bill.

MOTION: Sen. Robles moved to pass H.B. 81S01, Health Care Patient Identity Protection, out of committee with a favorable recommendation.

The motion passed unanimously.

MOTION: At the request of the sponsor, Sen. Robles moved to place H.B. 81S01, Health Care Patient Identify Protection, on the consent calendar.

The motion passed unanimously.

MOTION: Sen. Jones moved to adjourn.

The motion passed unanimously.

Sen. Buttars adjourned the meeting at 10:05 a.m.

Minutes were reported by Cami Deavila, Secretary.

D. Chris Buttars, Committee Chair