

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES
STANDING COMMITTEE
THURSDAY, FEBRUARY 19, 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: Lloyd Berentzen, Director, Bear River Health Department
Cris Cowley, M.D., President, Utah Medical Association
Charlie Thronson, Senior Partner, Parsons Behle and Latimer, and
member of the Utah Association for Justice
Jack Ray, Attorney
Michelle McOmber, Utah Medical Association
Mark Britton, General Counsel for the Utah Medical Association
David Stanley, Division of Occupational and Professional
Licensing
Ray Walker, Division of Occupational and Professional Licensing
David Cole, Pioneer Valley Hospital
David Gessel, Utah Hospital and Health Systems Association
Laura Polacheck, AARP
Kelly Atkinson, Utah Health Insurance Association
Melva Sine, President, Utah Restaurant Association
Gary Edwards, Executive Director, Salt Lake Valley Health
Department
Kurt Stenbridge, GlaxoSmithKline

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. Hinkins moved to approve minutes from February 17, 2009 meeting.

The motion passed unanimously with Sens. Bell, Jones, and Robles absent for the vote.

1. SB0082, Local Health Authority Funding Amendments (D. Stowell)

Sen. Stowell introduced the bill.

Mr. Berentzen spoke for the bill.

MOTION: Sen. Christensen moved to amend S.B. 82, Local Health Authority Funding Amendments, as follows:

1. *Page 1, Lines 20 through 21:*

20 Other Special Clauses:

21 {~~None~~} **This bill takes effect January 1, 2010.**

2. *Page 2, Line 30:*

30 (1) {~~A~~} **In order to enable the local health department to fulfill its duties and responsibilities under this part, a** county may fund its local health department from:

3. *Page 2, Line 44:*

44 (3) {~~A~~} **Except in the case of an emergency or for a capital project, a** county may not allocate money from its general fund to the local health

4. *Page 2, Line 45:*

45 department unless the county imposes the maximum levy allowed under Subsection (2).
Section 2. Effective date.
This bill takes effect January 1, 2010.

The motion passed unanimously with Sens. Bell, Jones, and Robles absent for the vote.

MOTION: Sen. Hinkins moved to pass S.B. 82, Local Health Authority Funding Amendments, as amended, out of committee with a favorable recommendation.

The motion passed unanimously with Sens. Bell and Jones absent for the vote.

2. SB0079, Health Reform-Medical Malpractice Amendments (P. Knudson)

Sen. Knudson introduced the bill.

MOTION: Sen. Christensen moved to amend S.B. 79, Health Reform-Medical

Malpractice Amendments, as follows:

1. *Page 2, Line 40:*

40 (1) A person ~~{licensed under Title 58, Occupations and Professions,}~~ who is
a health care

2. *Page 4, Line 106:*

106 (e) to testify as an expert witness regarding the practice of medicine in an
action for injury or death against a physician

3. *Page 5, Lines 123 through 124:*

123 ~~{A}~~ Notwithstanding Subsection 58-67-305(8) and Section 58-1-307 a
person who is licensed to practice medicine in another state and who testifies as an
124 expert witness regarding the practice of medicine in any action for injury or death
against a physician licensed in this state arising

4. *Page 5, Lines 141 through 142:*

141 (ii) without a physical examination of the claimant where appropriate or convenient;
~~{or}~~
142 (iii) without foundation in accepted science-based medical research ; or
(iv) not based on current standards of care for Utah .

5. *Page 7, Line 197:*

197 (e) to testify as an expert witness regarding the practice of medicine in this
state in an action for injury or death against a

6. *Page 8, Lines 214 through 215:*

214 ~~{A}~~ Notwithstanding Subsection 58-68-305(8) and Section 58-1-307, a
person who is licensed to practice osteopathic medicine in another state and who
215 testifies as an expert witness in this state regarding the practice of medicine in any
action for injury or death against a physician or

7. *Page 8, Lines 234 through 235:*

234 (ii) without a physical examination of the claimant where appropriate or convenient;
~~{or}~~
235 (iii) without foundation in accepted science-based medical research ; or
(iv) not based on current standards of care for Utah .

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

Mr. Cowley, Ms. McOmber, Mr. Britton, Mr. Cole, Mr. Atkinson, and Mr. Gessel spoke for the bill. Mr. Thronson, Mr. Ray, and Ms. Polacheck spoke against the bill. Mr. Stanley and Mr. Walker spoke to the bill.

Sens. Jones and Bell declared conflicts of interest.

MOTION: Sen. Jones moved to pass S.B. 79, Health Reform-Medical Malpractice Amendments, as amended, out of committee with a favorable recommendation.

The motion passed with Sen. Bell voting nay and Sen. Christensen absent for the vote.

3. SB0213, Restaurant Nutrition Labeling (*H. Stephenson*)

Sen. Stephenson introduced the bill.

Ms. Sine spoke for the bill. Mr. Edwards spoke against the bill.

MOTION: Sen. Christensen moved to pass S.B. 213, Restaurant Nutrition Labeling, out of committee with a favorable recommendation.

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

4. SB0217, Drug Amendments (*P. Knudson*)

MOTION: Sen. Christensen moved to amend S.B. 217, Drug Amendments as follows:

1. *Page 3, Lines 67 through 72:*

- 67 (6) For any accident and health insurance policy that takes effect or is renewed after
68 July 1, 2009, coverage for orally administered cancer chemotherapy treatments under a
 policy
69 of accident and health insurance may not be subject to dollar limits, copayments, or
 deductibles
70 that are less favorable to the insured than the dollar limits, copayments, or deductibles that
71 apply to coverage for **similar** cancer chemotherapy treatments that are administered
 intravenously or by
72 injection under the policy of accident or health insurance.

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

Sen. Knudson introduced the bill.

Mr. Stenbridge spoke for the bill. Mr. Atkinson spoke against the bill.

MOTION: Sen. Christensen moved to adjourn.

The motion passed with Sen. Buttars voting nay and Sen. Bell absent for the vote.

Sen. Buttars adjourned the meeting at 10:00 a.m.

Minutes were reported by Cami Deavila, Secretary.

D. Chris Buttars, Committee Chair