

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES  
STANDING COMMITTEE  
FEBRUARY 10, 2011  
ROOM 250 STATE CAPITOL COMPLEX**

Members Present:            Sen. D. Chris Buttars, Chair  
                                  Sen. Allen M. Christensen  
                                  Sen. Mark B. Madsen  
                                  Sen. Stuart C. Reid  
                                  Sen. Patricia W. Jones  
                                  Sen. Luz Robles

Staff Present:                Mark D. Andrews, Policy Analyst  
                                  Kathy Helgesen, Committee Secretary

Public Speakers Present:    Wendall Gibbi, MD  
                                  John Fowler  
                                  Casey Hill, Utah Medical Association  
                                  Pamela Benson, MD  
                                  Paul Rogers, Central Utah Clinic  
                                  Raymond Ward, MD, Co-Chair, P&T Committee  
                                  Sherri Wittwer, Executive Director, NAMI Utah  
                                  Tom Metcalf, MD, UHPP/UCAAP  
                                  Margo Thurman, acting President, Epilepsy Association of Utah  
                                  Judi Hillman, UHPP  
                                  Adam Trump, Association of Counties  
                                  Dave Davis, Utah Retail Merchants Association and Utah Retail  
                                  Grocers Association  
                                  Kerri Ernston, mentor, NAMI Utah

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

Sen. Buttars called the meeting to order at 2:21 p.m.

**Approval of Minutes**

**MOTION:** Sen. Christensen moved to approve the minutes of February 8, 2011.

The motion passed unanimously with Sen. Reid and Sen. Robles absent for the vote.

1.    **SB0091 - Medical Practice Self Referral (D.C. Buttars)**

Sen. Buttars introduced the bill.

**MOTION:** Sen. Buttars moved to delete S.B. 91 in title and body and replace it with 1st Substitute S.B. 91, "Medical Practice Self Referral."

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

Dr. Gibbi, Mr. Fowler, and Dr. Benson spoke in favor of the bill.

Mr. Hill and Mr. Rogers spoke in opposition to the bill.

**MOTION:** Sen. Madsen made a motion to amend 1st Substitute S.B. 91 as follows:

1. *Page 6, Lines 158 through 159:*

158 with a facility that performs MRI, CT, or PET scanning. {~~All of these tests have been~~  
shown to  
159 be subject to self-referral abuse.} I am also required to tell you under both federal  
and state law.

The motion passed 5-1-0 with Sen. Buttars voting in opposition to the amendment.

**MOTION:** Sen. Madsen made a motion to amend 1st Substitute S.B. 91 as follows:

1. *Page 6, Lines 155 through 162:*

155 "The most important element of a physician-patient relationship is trust. Therefore, as  
156 your doctor, I am ethically obligated to tell you that I have a conflict of interest. Either  
myself  
157 or a member of my family has a beneficial interest in a facility or a compensation  
arrangement  
158 with a facility that performs MRI, CT, or PET scanning. All of these tests have been  
shown to  
159 be subject to self-referral abuse. I am also required to tell you under both federal and state  
law,  
160 that you have a choice in which imaging facility you are sent to. Here is a list of other  
facilities  
161 that can perform the work needed within a 25 mile radius. **The quality of all studies,**  
**scans, and equipment is not equal and not all physicians are equally specialized or**  
**certified.** Having competition makes us all  
162 better."

The motion failed 1-5-0 with Sen. Madsen voting in favor and Sen. Buttars, Sen. Christensen, Sen. Jones, Sen. Reid, and Sen. Robles voting in opposition.

**MOTION:** Sen. Buttars moved to pass 1st Substitute S. B. 91 as amended out of

committee with a favorable recommendation.

The motion failed 3-3-0 with Sen. Buttars, Sen. Christensen, and Sen. Madsen voting in favor, and Sen. Jones, Sen. Reid, and Sen. Robles voting in opposition.

**2. SB0137 - Medicaid Amendments (A. Christensen)**

Sen. Christensen introduced the bill.

**MOTION:** Sen. Christensen moved to delete S.B. 137 in title and body and replace it with First Substitute S.B. 137, "Medicaid Amendments."

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

Dr. Ward, Dr. Metcalf, Ms. Hillman, and Mr. Davis spoke in favor of the bill.

Ms. Wittwer, Ms. Thurman, Mr. Trump, and Ms. Ernsten spoke in opposition to the bill.

No further action was taken on the bill.

**3. SB0150 - Negligent Credentialing (J. S. Adams)**

The bill was not considered.

**4. HB0230 S01 - Disability Amendments (P. Ray)**

The bill was not considered.

**5. HB0241 - Clean Out the Cabinets Month Designation (M. Morley)**

The bill was not considered.

**MOTION:** Sen. Madsen moved to adjourn.

The motion passed unanimously.

The meeting adjourned at 4:08 p.m.

Minutes reported by Kathy Helgesen, Secretary.