

S.B. 207

REPEAL OF HEALTH AND HUMAN SERVICES REPORTS AND EXPIRED OR DISCONTINUED PROGRAMS

Senator **Allen M. Christensen** proposes the following amendments:

1. *Page 2, Line 35:*

35 { ~~26-7-2, as last amended by Laws of Utah 2011, Chapter 192~~ }

2. *Page 2, Line 49:*

49 { ~~26-52-202, as last amended by Laws of Utah 2012, Chapters 242 and 402~~ }

3. *Page 2, Line 57:*

57 { ~~59-14-204, as last amended by Laws of Utah 2012, Chapter 341~~ }

4. *Page 15, Line 451 through Page 16, Line 488:*

451 { ~~Section 7. Section 26-7-2 is amended to read:~~

452 ~~26-7-2. Office of Health Disparities Reduction -- Duties.~~

453 ~~(1) As used in this section:~~

454 ~~(a) "Multicultural or minority health issue" means a health issue, including a mental~~
455 ~~and oral health issue, of particular interest to cultural, ethnic, racial, or other subpopulations,~~
456 ~~including:~~

457 ~~(i) disparities in:~~

458 ~~(A) disease incidence, prevalence, morbidity, mortality, treatment, and treatment~~
459 ~~response; and~~

460 ~~(B) access to care; and~~

461 ~~(ii) cultural competency in the delivery of health care.~~

462 ~~(b) "Office" means the Office of Health Disparities Reduction created in this section.~~

463 ~~(2) There is created within the department the Office of Health Disparities Reduction.~~

464 ~~(3) The office shall:~~

465 ~~(a) promote and coordinate the research, data production, dissemination, education,~~
466 ~~and health promotion activities of the following that relate to a multicultural or minority health~~
467 ~~issue:~~

468 ~~(i) the department;~~

469 ~~(ii) local health departments;~~

470 ~~(iii) local mental health authorities;~~

471 ~~(iv) public schools;~~

472 ~~—— (v) community-based organizations; and~~
473 ~~—— (vi) other organizations within the state;~~
474 ~~—— (b) assist in the development and implementation of one or more programs to address a~~
475 ~~multicultural or minority health issue;~~
476 ~~—— (c) promote the dissemination and use of information on a multicultural or minority~~
477 ~~health issue by minority populations, health care providers, and others;~~
478 ~~—— (d) seek federal funding and other resources to accomplish the office's mission;~~
479 ~~—— (e) provide technical assistance to organizations within the state seeking funding to~~
480 ~~study or address a multicultural or minority health issue;~~
481 ~~—— (f) develop and increase the capacity of the office to:~~
482 ~~—— (i) ensure the delivery of qualified timely culturally appropriate translation services~~
483 ~~across department programs; and~~
484 ~~—— (ii) provide, when appropriate, linguistically competent translation and communication~~
485 ~~services for limited English proficiency individuals; and~~
486 ~~—— (g) provide staff assistance to any advisory committee created by the department to~~
487 ~~study a multicultural or minority health issue[; and];~~
488 ~~—— [(h) annually report to the Legislature on its activities and accomplishments.]; }~~

5. *Page 36, Line 1100 through Page 38, Line 1165:*

1100 ~~{ Section 21. Section 26-52-202 is amended to read:~~
1101 ~~—— 26-52-202. Autism Treatment Account Advisory Committee -- Membership --~~
1102 ~~Time limit.~~
1103 ~~—— (1) (a) There is created an Autism Treatment Account Advisory Committee consisting~~
1104 ~~of six members appointed by the governor to two-year terms of office as follows:~~
1105 ~~—— (i) one person holding a doctorate degree who has experience in treating persons with~~
1106 ~~an autism spectrum disorder;~~
1107 ~~—— (ii) one person who is a board certified behavior analyst;~~
1108 ~~—— (iii) one person who is a physician licensed under Title 58, Chapter 67, Utah Medical~~
1109 ~~Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who has~~
1110 ~~completed a residency program in pediatrics;~~
1111 ~~—— (iv) one person who is employed in the Department of Health; and~~
1112 ~~—— (v) two persons from the community who are familiar with autism spectrum disorders~~
1113 ~~and their effects, diagnosis, treatment, rehabilitation, and support needs, including:~~
1114 ~~—— (A) family members of a person with an autism spectrum disorder;~~
1115 ~~—— (B) representatives of an association which advocates for persons with an autism~~
1116 ~~spectrum disorder; and~~
1117 ~~—— (C) specialists or professionals who work with persons with autism spectrum disorders.~~
1118 ~~—— (b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at the~~
1119 ~~time of appointment or reappointment, adjust the length of terms to ensure that the terms of~~

1120 ~~committee members are staggered so that approximately half of the committee is appointed~~
1121 ~~every year.~~
1122 ~~—— (c) If a vacancy occurs in the committee membership for any reason, a replacement~~
1123 ~~may be appointed for the unexpired term.~~
1124 ~~—— (2) The department shall provide staff support to the committee.~~
1125 ~~—— (3) (a) The committee shall elect a chair from the membership on an annual basis.~~
1126 ~~—— (b) A majority of the committee constitutes a quorum at any meeting, and, if a quorum~~
1127 ~~exists, the action of the majority of members present shall be the action of the committee.~~
1128 ~~—— (c) The executive director may remove a committee member:~~
1129 ~~—— (i) if the member is unable or unwilling to carry out the member's assigned~~
1130 ~~responsibilities; or~~
1131 ~~—— (ii) for good cause.~~
1132 ~~—— (4) The committee may, in accordance with Title 63G, Chapter 3, Utah Administrative~~
1133 ~~Rulemaking Act, make rules governing the committee's activities, which rules shall:~~
1134 ~~—— (a) comply with the requirements of this title; and~~
1135 ~~—— (b) include:~~
1136 ~~—— (i) qualification criteria and procedures for selecting children who may qualify for~~
1137 ~~assistance from the account;~~
1138 ~~—— (ii) qualifications, criteria, and procedures for evaluating the services and providers to~~
1139 ~~include in the program, which shall include at least:~~
1140 ~~—— (A) applied behavior analysis provided by or supervised by a board certified behavior~~
1141 ~~analyst or a licensed psychologist with equivalent university training and supervised~~
1142 ~~experience;~~
1143 ~~—— (B) collaboration with existing telehealth networks to reach children in rural and~~
1144 ~~under-served areas of the state; and~~
1145 ~~—— (C) methods to engage family members in the treatment process; and~~
1146 ~~—— (iii) provisions to address and avoid conflicts of interest that may arise in relation to the~~
1147 ~~committee's work.~~
1148 ~~—— (5) The committee shall meet as necessary to carry out its duties and shall meet upon a~~
1149 ~~call of the committee chair or a call of a majority of the committee members.~~
1150 ~~—— (6) The committee shall comply with the procedures and requirements of:~~
1151 ~~—— (a) Title 52, Chapter 4, Open and Public Meetings Act; and~~
1152 ~~—— (b) Title 63G, Chapter 2, Government Records Access and Management Act.~~
1153 ~~—— (7) Committee members shall receive no compensation or per diem allowance for their~~
1154 ~~services.~~
1155 ~~—— (8) (a) Not later than November 30 of each year, the committee shall provide a written~~
1156 ~~report summarizing the activities of the committee to[:(i)] the executive director [of the~~
1157 ~~department;]:~~
1158 ~~—— [(ii) the Legislature's Health and Human Services Interim Committee; and]~~
1159 ~~—— [(iii) the Legislature's Social Services Appropriations Subcommittee.]~~

1160 ~~—— (b) The report under Subsection (8)(a) shall include:~~
1161 ~~—— (i) the number of children diagnosed with autism spectrum disorder who are receiving~~
1162 ~~services under this chapter;~~
1163 ~~—— (ii) the types of services provided to children under this chapter; and~~
1164 ~~—— (iii) results of any evaluations on the effectiveness of treatments and services provided~~
1165 ~~under this chapter. }~~

6. Page 49, Line 1495 through Page 50, Line 1538:

{~~1495 Section 29. Section 59-14-204 is amended to read:~~
1496 ~~59-14-204. Tax basis -- Rate -- Future increase -- Cigarette Tax Restricted~~
1497 ~~Account -- Appropriation and expenditure of revenues:~~
1498 ~~—— (1) Except for cigarettes described under Subsection 59-14-210(3), there is levied a tax~~
1499 ~~upon the sale, use, storage, or distribution of cigarettes in the state:~~
1500 ~~—— (2) The rates of the tax levied under Subsection (1) are, beginning on July 1, 2010:~~
1501 ~~—— (a) 8.5 cents on each cigarette, for all cigarettes weighing not more than three pounds~~
1502 ~~per thousand cigarettes; and~~
1503 ~~—— (b) 9.963 cents on each cigarette, for all cigarettes weighing in excess of three pounds~~
1504 ~~per thousand cigarettes:~~
1505 ~~—— (3) Except as otherwise provided under this chapter, the tax levied under Subsection~~
1506 ~~(1) shall be paid by any person who is the manufacturer, jobber, importer, distributor,~~
1507 ~~wholesaler, retailer, user, or consumer:~~
1508 ~~—— (4) The tax rates specified in this section shall be increased by the commission by the~~
1509 ~~same amount as any future reduction in the federal excise tax on cigarettes:~~
1510 ~~—— (5) (a) There is created within the General Fund a restricted account known as the~~
1511 ~~"Cigarette Tax Restricted Account."~~
1512 ~~—— (b) The Cigarette Tax Restricted Account consists of:~~
1513 ~~—— (i) the first \$7,950,000 of the revenues collected from a tax under this section; and~~
1514 ~~—— (ii) any other appropriations the Legislature makes to the Cigarette Tax Restricted~~
1515 ~~Account:~~
1516 ~~—— (c) For each fiscal year beginning with fiscal year 2011-12 and subject to appropriation~~
1517 ~~by the Legislature, the Division of Finance shall distribute money from the Cigarette Tax~~
1518 ~~Restricted Account as follows:~~
1519 ~~—— (i) \$250,000 to the Department of Health to be expended for a tobacco prevention and~~
1520 ~~control media campaign targeted towards children;~~
1521 ~~—— (ii) \$2,900,000 to the Department of Health to be expended for tobacco prevention,~~
1522 ~~reduction, cessation, and control programs;~~
1523 ~~—— (iii) \$2,000,000 to the University of Utah Health Sciences Center for the Huntsman~~
1524 ~~Cancer Institute to be expended for cancer research; and~~
1525 ~~—— (iv) \$2,800,000 to the University of Utah Health Sciences Center to be expended for~~

1526 ~~medical education at the University of Utah School of Medicine:~~
1527 ~~—— (d) In determining how to appropriate revenue deposited into the Cigarette Tax~~
1528 ~~Restricted Account that is not otherwise appropriated under Subsection (5)(c), the Legislature~~
1529 ~~shall give particular consideration to enhancing Medicaid provider reimbursement rates and~~
1530 ~~medical coverage for the uninsured:~~
1531 ~~—— [(e) Any program or entity that receives funding under Subsection (5)(c) shall provide~~
1532 ~~an annual report to the Health and Human Services Interim Committee no later than September~~
1533 ~~1 of each year. The report shall include:]~~
1534 ~~—— [(i) the amount funded;]~~
1535 ~~—— [(ii) the amount expended;]~~
1536 ~~—— [(iii) a description of the effectiveness of the program; and]~~
1537 ~~—— [(iv) if the program is a tobacco cessation program, the report required in Section~~
1538 ~~51-9-203.}]~~