

**REVISED MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES
STANDING COMMITTEE**

Monday, February 6, 2017 • 3:40 pm • 210 Senate Building

Members Present:

Rep. Brad M. Daw, Chair
Rep. Michael S. Kennedy, Vice Chair
Rep. Stewart E. Barlow
Rep. Rebecca Chavez-Houck
Rep. Craig Hall
Rep. Sandra Hollins
Rep. Kelly B. Miles
Rep. Paul Ray

Rep. Edward H. Redd
Rep. Robert M. Spendlove
Rep. Norman K Thurston
Rep. Raymond P. Ward

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Mr. Steve Benard, Committee Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at le.utah.gov.

Chair Daw called the meeting to order at 3:51 p.m.

MOTION: Vice Chair Kennedy moved to approve the minutes of the February 2, 2017, meeting. The motion passed with a vote of 9-0-3.

Yeas:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. C. Hall
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. R. Spendlove
Rep. R. Ward

Nays:

Abs:

Rep. P. Ray
Rep. E. Redd
Rep. N. Thurston

1. S.B. 85 Amendments to Child Welfare (*Harper, W.*)

Sen. Wayne A. Harper presented the bill.

MOTION: Rep. Ward moved to pass S.B. 85 out favorably. The motion passed with a vote of 9-0-3.

Yeas:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. C. Hall
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. R. Spendlove
Rep. R. Ward

Nays:

Abs:

Rep. P. Ray
Rep. E. Redd
Rep. N. Thurston

2. H.B. 267 Organ Donation Amendments (*Wheatley, M.*)

Rep. Mark A. Wheatley presented the bill with the assistance of Mr. Alex McDonald, Intermountain Donor Services.

MOTION: Rep. Redd moved to pass H.B. 267 out favorably. The motion passed with a vote of 9-1-2.

Yeas:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. C. Hall
Rep. S. Hollins
Rep. M. Kennedy
Rep. E. Redd
Rep. R. Spendlove
Rep. R. Ward

Nays:

Rep. K. Miles

Abs:

Rep. P. Ray
Rep. N. Thurston

3. H.B. 227 Emergency Medical Service System Amendments (*Gardiner, A.*)

Rep. Adam Gardiner presented the bill with the assistance of Mr. Paul Patrick, Utah Department of Health.

MOTION: Rep. Spendlove moved to amend H.B. 227 with Amendment #1.

1. Page 1, Lines 12 through 15:

12 ▶ adds an exemption from the requirements to have a Department of Health
13 background clearance for licensure for law enforcement employees working as
14 emergency medical service dispatchers that have received an approved Department
15 of Public Safety background clearance; and

2. *Page 11, Lines 310 through 312:*

310 (4) { } ~~} {An ~~—~~ Except as provided in Subsection 28A-3a-310(13), an~~
 individual may not be
311 issued or retain a [certification] license under this section unless the individual obtains
 and
312 retains background clearance under Section 26-8a-310.

3. *Page 14, Lines 417 through 420:*

417 { ~~—~~ (13) An employee in law enforcement who works as an emergency medical
 service
418 — dispatcher and has received an approved Department of Public Safety background
 clearance is
419 — exempt from the requirements to have a Department of Health background
 clearance for
420 — licensure. }

The motion passed with a vote of 10-0-2.

Yeas:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. P. Ray
Rep. E. Redd
Rep. R. Spendlove
Rep. R. Ward

Nays:

Abs:

Rep. C. Hall
Rep. N. Thurston

MOTION: Rep. Miles moved to pass out favorably H.B. 227. The motion passed with a vote of 10-0-2.

Yeas:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. P. Ray
Rep. E. Redd
Rep. R. Spendlove
Rep. R. Ward

Nays:

Abs:

Rep. C. Hall
Rep. N. Thurston

MOTION: Rep. Spendlove moved to place H.B. 227 on the Consent Calendar.

POINT OF ORDER: Rep. Ray raised a point of order. He asked whether a bill can be placed on the Consent Calendar if it has a fiscal note. The sponsor of the bill noted that the amendment to the bill eliminated the fiscal note.

The motion passed with a vote of 11-0-1.

Yeas:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. P. Ray
Rep. E. Redd
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays:

Abs:

Rep. C. Hall

4. H.B. 234 Post-Exposure Blood Testing Amendments (*Redd, E.*)

Rep. Edward H. Redd presented the bill.

MOTION: Rep. Ward moved to amend H.B. 234 with Amendment #2.

1. *Page 3, Line 82 through Page 4, Line 101:*

82 (2) (a) A law enforcement agency may submit on behalf of the petitioner { ~~who is~~
83 ~~an~~
~~emergency services provider or first aid volunteer~~ } by electronic or other means an
ex parte

84 request for a warrant ordering a blood draw from the respondent.

85 { ~~(b) A health care provider, or the health care provider's designee, may~~
~~submit by~~
~~electronic or other means an ex parte request for a warrant ordering a blood draw~~
~~from the~~
~~respondent.~~

88 ~~—(c)~~ (b) ~~+(e)~~ The court or magistrate shall issue a warrant ordering the
respondent to

89 provide a specimen of the respondent's blood within 24 hours, and that reasonable force
may be

90 used, if necessary, if the court or magistrate finds that:

91 (i) the petitioner was significantly exposed during the course of performing the
92 petitioner's duties as an emergency services ~~[or] provider~~, first aid ~~[provider]~~ volunteer, or
93 health care provider;

94 (ii) the respondent has refused consent to the blood draw or is unable to give
consent;

95 (iii) there may not be an opportunity to obtain a sample at a later date; and

96 (iv) a delay in administering available FDA-approved post-exposure treatment or
97 prophylaxis could result in a lack of effectiveness of the treatment or prophylaxis.

98 { ~~+(c)~~ } ~~+(d)~~ The petitioner shall request a person authorized under
Section 41-6a-523

99 perform the blood draw.

100 { ~~+(c)~~ } ~~+(d)~~ A sample drawn in accordance with a warrant following an
ex parte request

101 shall be sent to the Department of Health for testing.

The motion passed with a vote of 12-0-0.

<u>Yeas:</u>	<u>Nays:</u>	<u>Abs:</u>
Rep. S. Barlow		
Rep. R. Chavez-Houck		
Rep. B. Daw		
Rep. C. Hall		
Rep. S. Hollins		
Rep. M. Kennedy		
Rep. K. Miles		
Rep. P. Ray		
Rep. E. Redd		
Rep. R. Spendlove		
Rep. N. Thurston		
Rep. R. Ward		

MOTION: Rep. Ward moved to pass H.B. 234 out favorably. The motion passed with a vote of 12-0-0.

<u>Yeas:</u>	<u>Nays:</u>	<u>Abs:</u>
Rep. S. Barlow		
Rep. R. Chavez-Houck		
Rep. B. Daw		
Rep. C. Hall		
Rep. S. Hollins		
Rep. M. Kennedy		
Rep. K. Miles		
Rep. P. Ray		
Rep. E. Redd		
Rep. R. Spendlove		
Rep. N. Thurston		
Rep. R. Ward		

5. H.B. 142 Administration of Anesthesia Amendments (*Kennedy, M.*)

Rep. Michael S. Kennedy presented the bill with the assistance of Mr. Ted Morris, Certified Registered Nurse Anesthetist and President, Utah CRNA Association.

Ms. Cathy Dupont, Associate General Counsel, Office of Legislative Research and General Counsel, spoke to the bill.

Mr. Michael Beck, President of Utah Association of Anesthesiologists, spoke to the bill.

Mr. Travis Slade, American Society of Anesthesiologists, spoke to the bill.

Ms. Kathleen Kaufman, Utah Nurses Association, spoke in favor of the bill.

Ms. Michelle McOmber, Utah Medical Association, spoke in favor of the bill.

Ms. Cathy Dupont, Associate General Counsel, Office of Legislative Research and General Counsel, spoke to the bill.

MOTION: Rep. Ray moved to replace H.B. 142 with 3rd Substitute H.B. 142. The motion passed with a vote of 11-0-1.

Yeas:

Nays:

Abs:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. C. Hall
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. P. Ray
Rep. E. Redd
Rep. N. Thurston
Rep. R. Ward

Rep. R. Spendlove

MOTION: Rep. Redd moved to amend 3rd Substitute H.B. 142 with Amendment #3.

1. *Page 2, Lines 53 through 55:*

53 (b) The database required by Subsection (1)(a) shall include reports submitted by
54 health care providers under Sections { ~~58-5a-102, 58-31b-501, 58-67-501, 58-68-501,~~
~~and~~
55 ~~58-69-501~~ } 58-5a-502, 58-31b-502.5, 58-67-502.5, 58-68-502.5, and 58-69-502.5

- :

2. *Page 3, Lines 83 through 85:*

83 (iii) the adequacy of sedation and anesthesia requirements in Sections { ~~58-69-501~~ }

~~58-5a-102,~~
84 ~~58-31b-501, 58-67-501, 58-68-501, and 58-69-501~~ } 58-5a-502, 58-31b-502.5,
58-67-502.5, 58-68-502.5, and 58-69-502.5 related to the adverse events reported
under
85 this section; and

The motion passed with a vote of 11-0-1.

Yeas:

Nays:

Abs:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. C. Hall
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. P. Ray
Rep. E. Redd
Rep. N. Thurston
Rep. R. Ward

Rep. R. Spendlove

MOTION: Rep. Ward moved to pass 3rd Substitute H.B. 142 out favorably. The motion passed with a vote of 11-0-1.

Yeas:

Nays:

Abs:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. C. Hall
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. P. Ray
Rep. E. Redd
Rep. N. Thurston
Rep. R. Ward

Rep. R. Spendlove

MOTION: Rep. Hollins moved to adjourn. The motion passed with a vote of 11-0-1.

Yeas:

Nays:

Abs:

Rep. S. Barlow
Rep. R. Chavez-Houck
Rep. B. Daw
Rep. C. Hall
Rep. S. Hollins
Rep. M. Kennedy
Rep. K. Miles
Rep. P. Ray
Rep. E. Redd
Rep. N. Thurston
Rep. R. Ward

Rep. R. Spendlove

Rep. Brad M. Daw, Chair