



DRAFT MINUTES

HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE

LEGISLATURE

Monday, February 24, 2020 | 8:00 a.m. | 210 Senate Building

Members Present:

Rep. Brad M. Daw, Chair
Rep. Kelly B. Miles, Vice Chair
Rep. Stewart E. Barlow
Rep. Jennifer Dailey-Provost
Rep. Steve Eliason
Rep. Sandra Hollins
Rep. Marsha Judkins
Rep. Candice B. Pierucci

Rep. Paul Ray
Rep. Rex P. Shipp
Rep. Robert M. Spendlove
Rep. Norman K. Thurston
Rep. Raymond P. Ward

Staff Present:

Mark D. Andrews, Policy Analyst
Brodi Ashton, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Miles called the meeting to order at 8:04 a.m.

MOTION: Rep. Daw moved to approve the minutes. The motion passed with a vote of 7 - 0 - 6.

Yeas-7

Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. R. Spendlove
Rep. R. Ward

Nays-0

Absent-6

Rep. S. Barlow
Rep. J. Dailey-Provost
Rep. C. Pierucci
Rep. P. Ray
Rep. R. Shipp
Rep. N. Thurston

1 . H.C.R. 20 Concurrent Resolution Honoring the Utah Hospital Association for 100 Years of Service (Gibson, F.)

Rep. Francis Gibson presented the bill.

David Gessel, Executive Vice President, Utah Hospital Association, spoke in favor of the bill.

MOTION: Rep. Judkins moved to pass H.C.R. 20 out favorably. The motion passed with a vote of 8 - 0 - 5.

Yeas-8

Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-5

Rep. S. Barlow
Rep. J. Dailey-Provost
Rep. C. Pierucci
Rep. P. Ray
Rep. R. Shipp

MOTION: Rep. Eliason moved to place H.C.R. 20 on the Consent Calendar. The motion passed with a vote of 8 - 0 - 5.

Yeas-8

Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-5

Rep. S. Barlow
Rep. J. Dailey-Provost
Rep. C. Pierucci
Rep. P. Ray
Rep. R. Shipp

2 . H.B. 295 Opioid and Overdose Fatality Review Amendments (*Eliason, S.*)

[Opioid and Overdose Fatality handout](#)

Rep. Eliason presented the bill with the assistance of Dr. Erik Christensen, Chief Medical Examiner, Department of Health.

Dr. Christensen spoke to the bill

MOTION: Rep. Hollins moved to replace H.B. 295 with 1st Substitute H.B. 295. The motion passed with a vote of 9 - 0 - 4.

Yeas-9

Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. P. Ray
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-4

Rep. S. Barlow
Rep. C. Pierucci
Rep. R. Shipp
Rep. R. Spendlove

MOTION: Rep. Hollins moved to pass 1st Substitute H.B. 295 out favorably. The motion passed with a vote of 10 - 0 - 3.

Yeas-10

Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. P. Ray
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Barlow
Rep. C. Pierucci
Rep. R. Shipp

3 . H.B. 314 Controlled Substance Database Access Amendments (*Hall, C.*)

Rep. Craig Hall, presented the bill with the assistance of Dr. Eric Cannon, Associate Vice President of Pharmacy Benefits, SelectHealth.

Dr. Cannon spoke to the bill.

Mark Brinton, General Counsel, Director of Government Affairs, Utah Medical Association, spoke to the bill.

MOTION: Rep. Ward moved to pass H.B. 314 out favorably. The motion passed with a vote of 11 - 0 - 2.

Yeas-11

Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. C. Pierucci
Rep. P. Ray
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-2

Rep. S. Barlow
Rep. R. Shipp

4 . H.C.R. 17 Concurrent Resolution to Create Awareness Regarding the Value of Birth Tissues (Daw, B.)

Rep. Daw presented the bill.

Dave Gessel, Executive Vice President, Utah Hospital Association, spoke to the bill.

MOTION: Rep. Judkins moved to pass H.C.R. 17 out favorably. The motion passed with a vote of 10 - 0 - 3.

Yeas-10

Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. C. Pierucci
Rep. P. Ray
Rep. R. Spendlove
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Barlow
Rep. R. Shipp
Rep. N. Thurston

5 . H.B. 272 Pharmacy Benefit Amendments (Ray, P.)

[Flow Chart of Payment for Insulin handout](#)

Rep. Ray presented the bill, with the assistance of Sen. Evan Vickers.

Chair Daw assumed the chair.

Derek Brown, Pharmaceutical Care Management Association, spoke against the bill.

Adam Jones, Executive Director, Utah Pharmacy Association, spoke in favor of the bill.

Chair Miles resumed the chair.

Stephen Foxley, Regence BlueCross BlueShield, spoke against the bill.

Kate Bradshaw, Lobbyist, Utah Retail Merchants Association, spoke in favor of the bill.

Kelly Atkinson, Director, Utah Health Insurance Association, spoke against the bill.

Kevin DeMass, Pharmacist, spoke in favor of the bill.

Crystal Cowley, President, Utah Association of Health Underwriters, spoke against the bill.

Dan Richards, Pharmacy Owner, spoke in favor of the bill.

Todd Kiser, Commissioner, Utah Insurance Department, spoke to the bill.

Chet Loftis, Director, Public Employees' Health Program, spoke to the bill.

MOTION: Chair Daw moved to replace H.B. 272 with 1st Substitute H.B. 272. The motion passed with a vote of 12 - 0 - 1.

Yeas-12

Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. C. Pierucci
Rep. P. Ray
Rep. R. Shipp
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-1

Rep. S. Barlow

MOTION: Chair Daw moved to amend 1st Substitute H.B. 272 with Amendment #1. The motion passed with a vote of 12 - 0 - 1.

Amendment 1
1st Sub. H.B. 272

1. Page 2, Lines 30 through 31:

{-30-}{-} → requires an insurer to notify pharmacies that they are eligible to participate in the
31 insurer's health benefit plan on certain conditions; }

2. Page 11, Line 329 through Page 12, Line 347:

329 ~~{(3) An insurer that offers a health benefit plan shall provide to each pharmacy within~~
330 ~~the geographic area covered by the health benefit plan the notice described by Subsection (4).}~~
331 ~~— (4) (a) The notice required in Subsection (3) shall:~~
332 ~~— (i) be provided no later than 60 days before the day on which coverage for the~~
333 ~~geographic area takes effect; and~~
334 ~~— (ii) inform each pharmacy that the pharmacy may be included in the health benefit~~
335 ~~plan's provider network if, within 60 days, the pharmacy enters into a contract to abide by the~~
-336 ~~terms and conditions of the health benefit plan.~~
337 ~~— (b) If the geographic area covered by a health benefit plan is expanded, the notice~~
338 ~~required under Subsection (3) applies only to pharmacies within the expanded coverage area.}~~
339 ~~{(5)} (3) A health benefit plan's terms and conditions for coverage of pharmacy products and~~
340 ~~services, including enrollee cost sharing, provider reimbursement, and dispensing quantities{:-}~~
341 ~~{(a)} shall apply:~~
342 ~~{(i)} (a) uniformly across all enrollees within:~~
343 ~~{(A)} (i) a benefit category;~~
344 ~~{(B)} (ii) a copayment level; or~~
345 ~~{(C)} (iii) any other enrollee classification established by the health benefit plan; and~~
346 ~~{(ii)} (b) uniformly across all pharmacies in the health benefit plan's provider network.~~
347 ~~{(6)} (4) A pharmacy benefit manager may not enter into or renew a contract with a~~

3. Page 12, Line 354:

354 ~~{(7)} (5) (a) An insurer may not promote the use of one pharmacy in a health benefit plan's~~

4. Page 12, Line 357:
357 (b) Subsection ~~{(7)(a)}~~ (5)(b) does not apply to the Public Employees' Benefit and Insurance
5. Page 12, Line 359:
359 ~~{(8)}~~ (6) An insurer that offers a health benefit plan may not require an enrollee to use an
6. Page 12, Line 362:
362 ~~{(9)}~~ (7) An insurer may not prohibit a pharmacy in a health benefit plan's provider network
7. Page 12, Line 365:
365 ~~{(10)}~~ (8) A pharmacy included in a health benefit plan's provider network may not:

Yeas-12

Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. C. Pierucci
Rep. P. Ray
Rep. R. Shipp
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-1

Rep. S. Barlow

Stephen Foxley, Regence BlueCross BlueShield spoke to the bill.

MOTION: Chair Daw moved to pass 1st Substitute H.B. 272 out favorably. The motion passed with a vote of 12 - 1 - 0.

Yeas-12

Rep. S. Barlow
Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Eliason
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. C. Pierucci
Rep. P. Ray
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-1

Rep. R. Shipp

Absent-0

6 . H.B. 345 Personal Records Amendments (Barlow, S.)

Rep. Barlow presented the bill.

MOTION: Rep. Spendlove moved to pass H.B. 345 out favorably. The motion passed with a vote of 11 - 0 - 2.



Yeas-11

Rep. S. Barlow
Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. C. Pierucci
Rep. R. Shipp
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-2

Rep. S. Eliason
Rep. P. Ray

MOTION: Chair Daw moved to adjourn. The motion passed with a vote of 11 - 0 - 2.

Yeas-11

Rep. S. Barlow
Rep. J. Dailey-Provost
Rep. B. Daw
Rep. S. Hollins
Rep. M. Judkins
Rep. K. Miles
Rep. C. Pierucci
Rep. R. Shipp
Rep. R. Spendlove
Rep. N. Thurston
Rep. R. Ward

Nays-0

Absent-2

Rep. S. Eliason
Rep. P. Ray

Chair Miles adjourned the meeting.