



DRAFT MINUTES

SENATE HEALTH AND HUMAN SERVICES STANDING COMMITTEE

LEGISLATURE

Tuesday, February 2, 2021 | 3:40 p.m. | 110 Senate Building

Members Present:

Sen. Michael S. Kennedy, Chair
Sen. Jacob L. Anderegg
Sen. David G. Buxton
Sen. Luz Escamilla
Sen. Keith Grover

Sen. Jani Iwamoto
Sen. Evan J. Vickers
Sen. Chris H. Wilson

Staff Present:

Mark D. Andrews, Policy Analyst
Kristen Anderson, Committee Secretary

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

Chair Kennedy called the meeting to order at 3:43 p.m.

MOTION: Sen. Anderegg moved to approve the minutes of the January 28, 2021 meeting.. The motion passed with a vote of 4 - 0 - 4.

Yeas-4

Sen. J. Anderegg
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. M. Kennedy

Nays-0

Absent-4

Sen. D. Buxton
Sen. K. Grover
Sen. E. Vickers
Sen. C. Wilson

1 . H.B. 34 Medical Respite Care Pilot Program (Dunnigan, J.)

Rep. Dunnigan presented the bill.

Kim Correa, Executive Director, the Inn Between, spoke in favor of the bill.

Maryann Martindale, Utah Academy of Family Physicians, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass H.B. 34 out favorably. The motion passed with a vote of 8 - 0 - 0.

Yeas-8

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

Nays-0

Absent-0

2 . H.B. 99 Public Employees Health Program Amendments (Harrison, S.)

Rep. Harrison presented the bill.

Chet Loftis, Director, Public Employees' Health Program, spoke in favor of the bill.

Danny Harris, Advocacy Director, AARP Utah, spoke in favor of the bill.

MOTION: Sen. Iwamoto moved to pass H.B. 99 out favorably. The motion passed with a vote of 8 - 0 - 0.

Yeas-8

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

Nays-0

Absent-0

3 . S.B. 27 Physician Assistant Act Amendments (*Bramble, C.*)

Sen. Bramble presented the bill including the substitute and amendment.

Kim McFarland, physician assistant and President-elect, National Association of Physician Assistants, spoke in favor of the bill.

Tim McCeary, physician assistant, President, Utah Academy of Physician Assistants, spoke in favor of the bill.

Wade Anderson, physician assistant, spoke in favor of the bill.

Sen. Bramble read a statement from Intermountain Healthcare in support of the bill.

Jonathan Baird, physician assistant and former President, Utah Academy of Physician Assistants, spoke in favor of the bill.

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

Michelle McOmber, Utah Medical Association, spoke to the bill.

Dr. Carissa Monroy, MD, Community Health Center and Utah Medical Association, spoke to the bill.

Charlie Katebi, Health Policy Analyst, Americans for Prosperity, spoke in favor of the bill.

Jonathan Bennion, spoke in favor of the bill

Jared Spackman, physician assistant and Chair, Board of Physician Assistants, spoke to the bill.

Gabby Saunders, American College of Obstetricians and Gynecologists, spoke to the bill.

Cody Nielson, physician assistant, spoke in favor of the bill.

Matthew Wilson, OB/GYN, Granger Medical and former President, Utah Medical Association, spoke to the bill.

Walter Whitten, physician assistant, spoke in favor of the bill.

Maryann Martindale, Utah Academy of Family Physicians, spoke to the bill.

Dr. Christian Agricola, MD, Utah Psychological Association, spoke to the bill.

Dr. Noel Nye, MD, President-elect, Utah Medical Association, spoke to the bill.

Roger Machado, physician assistant, spoke to the bill.

MOTION: Sen. Vickers moved to replace S.B. 27 with 1st Substitute S.B. 27. The motion passed with a vote of 8 - 0 - 0.

Yeas-8

Nays-0

Absent-0

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

MOTION: Sen. Vickers moved to amend 1st Substitute S.B. 27 with Amendment #1. The motion passed with a vote of 8 - 0 - 0.

Amendment 1
1st Sub. S.B. 27

1. Page 7, Lines 193 through 199:

193 (c) The degree of collaboration under Subsection (1)(b) shall be determined at the
194 physician assistant's practice, including decisions made by :

(i) the physician assistant's:

195 ~~{(i)}~~ (A) employer;

196 ~~{(ii)}~~ (B) group;

197 ~~{(iii)}~~ (C) hospital service; or

198 ~~{(iv)}~~ (D) health care facility credentialing and privileging system~~{-}~~ ; or

(ii) a managed care organization with whom the physician assistant is a network provider.

(d) A person described in Subsection (1)(c) may not require a clinical supervisory relationship between a physician assistant and another healthcare provider.

199 ~~{(d)}~~ (e) The services provided by a physician assistant includes, but is not limited to:

2. Page 7, Line 208:

208 ~~{(e)}~~ (f) A physician assistant may, within the physician assistant's scope of practice:

3. Page 8, Lines 220 through 231:

220 ~~{(f)}~~ (g) A physician assistant is responsible for the care that the physician assistant
221 provides.

222 {(g) An insurer as defined in Section 31A-1-301 may not:

223 — (i) solely on the basis that a physician assistant is licensed as a physician assistant:

224 — (A) prohibit the physician assistant from billing and receiving direct payment for a

225 medically necessary service that the physician assistant provides to the insurer's enrollee;

226 — (B) deny a claim for a medically necessary service that the physician assistant provides

227 to the insurer's enrollee; or

228 — (C) prohibit a physician assistant from being listed as the provider in the billing and

229 claims process for payment of the service; or

230 — (ii) impose a practice, education, or collaboration requirement on a physician assistant

231 that is inconsistent with or more restrictive than the requirements in this title.}

4. Page 9, Lines 255 through 262:

255 (3) (a) A physician assistant with less than {4,000} 5,000 hours of post-graduate clinical practice
256 experience shall :

(i) practice under written policies and procedures established at a practice level

257 that:

258 ~~{(a)}~~ (A) describe how collaboration will occur under Subsections (1)(b) and (c);

259 ~~{(b)}~~ (B) describe methods for evaluating the physician assistant's competency, knowledge,

260 and skills; {and}

261 ~~{(c)}~~ (ii) provide a copy of the written policies and procedures and documentation of

262 compliance with this Subsection (3) to the board upon the board's request~~{-}~~ ; and

(iii) collaborate with a physician for at least 1,000 hours.
(b) A physician assistant who wishes to change specialties to another specialty in which the PA has less than 2,000 hours of experience shall collaborate for a minimum of 2,000 hours with a physician who is trained and experienced in the specialty to which the physician assistant is changing.

5. Page 10, Lines 278 through 282:

278 (5) Notwithstanding any other provision of state law, a physician assistant may provide
279 ~~{mental health care and mental health therapy and treatment}~~ behavioral change support services in a non-
psychiatric practice setting
280 if the services are consistent with:
(a) the physician assistant's education, training, and experience;
281 ~~{(a)}~~ (b) customary and accepted practices in similar practice settings; and
282 ~~{(b)}~~ (c) applicable standards of care.

Yeas-8

Nays-0

Absent-0

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

MOTION: Sen. Anderegg moved to pass 1st Substitute S.B. 27 as amended out favorably. The motion passed with a vote of 7 - 1 - 0.

Yeas-7

Nays-1

Absent-0

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

Sen. K. Grover

4 . S.B. 28 Physician Assistant Mental Health Practice Amendments (*Bramble, C.*)

Sen. Bramble presented the bill.

Tim McCearry, physician assistant and President, Utah Academy of Physician Assistants, spoke in favor of the bill.

Mark Brinton, Utah Medical Association, spoke to the bill.

Dr. Anne Lin, MD, Childhood Psychologist, spoke to the bill.

Dr. Nan Klein, Director of Professional Affairs, Utah Psychological Association, spoke to the bill.

Dr. Christian Agricola, MD, Utah Psychological Association, spoke against the bill.

Dr. Carissa Monroy, MD, waived comment.

Susan Scott, psychiatric nurse practitioner, spoke to the bill.

MOTION: Sen. Anderegg moved to replace S.B. 28 with 1st Substitute S.B. 28. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays-0

Absent-1

Sen. E. Vickers

MOTION: Sen. Anderegg moved to amend 1st Substitute S.B. 28 with Amendment #1. The motion passed with a vote of 7 - 0 - 1.

Amendment 1
1st Sub. S.B. 28

1. Page 14, Line 425 through Page 15, Line 451:

425 (a) meets the requirements described in Subsections 58-70a-501.1(1)(a) through (c);

426 ~~{and}~~

427 (b) engages in the practice of mental health therapy ~~{in collaboration with}~~ under the supervision of :

428 (i) a physician assistant specializing in psychiatric mental health; or

429 (ii) a physician who is board certified in psychiatry~~{.}~~ ; and

(c) engages in the practice of mental health therapy in accordance with rules made by the division regarding the supervision described in Subsection (9)(b).

430 ~~{(10) (a) A physician assistant who does not specialize in psychiatric mental health may~~
431 ~~provide mental health therapy as defined in Section 58-60-102 if the physician assistant enters~~
432 ~~into a collaborative practice agreement with:~~

433 ~~— (i) a psychiatrist; or~~

434 ~~— (ii) a physician assistant specializing in psychiatric mental health.~~

435 ~~— (b) A physician assistant who provides mental health therapy under Subsection (9):~~

436 ~~— (i) may provide psychoeducation and limited supportive counseling:~~

437 ~~— (A) as part of a health care team; and~~

438 ~~— (B) in accordance with the physician assistant's collaborative practice agreement;~~

439 ~~— (ii) may not practice independently or provide formal psychotherapy;~~

440 ~~— (iii) shall maintain a formal collaborative agreement at the practice that describes the~~
441 ~~scope of services that may be provided by the physician assistant; and~~

442 ~~— (iv) shall make the collaborative agreement available to the division or the board upon~~
443 ~~request by the division or the board.~~

444 ~~— (c) A physician assistant who practices in a non-psychiatric setting may provide mental~~
445 ~~health therapy as defined in Section 58-60-102, including psychoeducation and limited~~
446 ~~supportive counseling, if:~~

447 ~~— (i) the services are consistent with:~~

448 ~~— (A) customary and accepted practices for the physician assistant's practice setting;~~

449 ~~— (B) the physician assistant's education, training, and experience; and~~

450 ~~— (C) applicable standards of care; and~~

451 ~~— (ii) the physician assistant does not provide formal psychotherapy.}~~

Yeas-7

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays-0

Absent-1

Sen. E. Vickers

MOTION: Sen. Anderegg moved to pass 1st Substitute S.B. 28 as amended out favorably. The motion passed with a vote of 8 - 0 - 0.

Yeas-8

Nays-0

Absent-0

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

5 . H.B. 15 Controlled Substance Amendments (Ward, R.)

Rep. Ward presented the bill.

MOTION: Sen. Wilson moved to amend H.B. 15 with Amendment #3. The motion passed with a vote of 7 - 0 - 1.

Amendment 3
H.B. 15

1. Page 12a, Lines 353t through 353u:

{-353t-}{~~_____ (e) Failure to comply with the requirements in this Subsection (11) is unprofessional~~
353u ~~conduct.~~}-→

Yeas-7

Nays-0

Absent-1

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Sen. E. Vickers

MOTION: Sen. Escamilla moved to pass H.B. 15 as amended out favorably. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Nays-0

Absent-1

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Sen. E. Vickers

MOTION: Sen. Wilson moved to adjourn. The motion passed with a vote of 7 - 0 - 1.

Yeas-7

Nays-0

Absent-1

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Sen. E. Vickers

Chair Kennedy adjourned the meeting at 6:05 p.m.