

# Meeting Outline

October 20, 2021 | Click [here](#) to participate electronically and for other committee information.

## Health and Human Services Interim Committee

Wednesday, October 20, 2021

8:30 a.m. – 11:00 a.m.

Room 30 House Building, State Capitol Complex, Salt Lake City, Utah

(Outline version: 10/08/21)

Approximate  
Time Frame

8:30 **1. Committee Business**

### Background

- Draft minutes of the September 15, 2021, meeting
- Consolidation of the Department of Health and the Department of Human Services: latest information available [here](#)

8:35 **2. Disability Ombudsman (15 minutes)**

*The committee will consider a report regarding the creation of an ombudsman for individuals with a disability.*

### Background

- LEGISLATION: [HB 378 \(2020\) Disability Act Compliance Amendments](#)
- REPORT: [Disability Ombudsman Program Report: November 2021 \(Draft Report\)](#)

### Presenters

- Representative Jennifer Dailey-Provost and other invited presenters
- Committee Discussion
- Public comment

- 8:50 **3. Healthcare Worker Protections (15 minutes)**  
*The committee will consider draft legislation addressing physical violence to healthcare workers.*

#### Background

- DRAFT LEGISLATION: Health Care Facility Services (forthcoming; Sponsor: Rep. Robert M. Spendlove)

#### Presenters

- Representative Robert M. Spendlove and other invited presenters
- Committee discussion
- Public comment

#### Potential Action

- Recommend draft legislation, with or without amendments.

- 9:05 **4. Body Art Legislation (15 minutes)**  
*The committee will consider legislation addressing body art.*

#### Background

- DRAFT LEGISLATION: [Sanitation Amendments](#) (Sponsor: Rep. Melissa Ballard)

#### Presenters

- Representative Melissa G. Ballard and other invited presenters
- Committee discussion
- Public comment

#### Potential Action

- Recommend draft legislation, with or without amendments.

9:20 **5. Sunset Reviews (40 minutes)**

*Under the Legislative Oversight and Sunset Act, the following Utah Code sections are scheduled for repeal on the dates noted below. The committee will consider whether to recommend repeal or reauthorization—with or without amendment—of each section.*

<b>Anesthesia, Sedation, and Unprofessional Conduct</b>	
Sections of Code that Sunset	<ul style="list-style-type: none"> <li>• <a href="#">26-1-40</a></li> <li>• <a href="#">58-5a-502</a></li> <li>• <a href="#">58-31b-502.5</a></li> <li>• <a href="#">58-67-502.5</a></li> <li>• <a href="#">58-68-502.5</a></li> <li>• <a href="#">58-69-502.5</a></li> </ul>
Purpose	Defines responsibilities of the Department of Health to create and maintain a database of deaths and adverse events from the administration of sedation or anesthesia in outpatient settings and non-emergency departments. Also creates reporting requirements and whistleblower protections for the database. Defines unprofessional conduct related to administration of sedation or anesthesia.
Current Sunset Date	July 1, 2022 (Utah Code Sections <a href="#">63I-1-226</a> and <a href="#">63I-1-258</a> )

<b>Microenterprise Home Kitchen Permit Limitations</b>	
Sections of Code that Sunset	<a href="#">26-15c-104(3)</a>
Purpose	Limits the amount of microenterprise home kitchen permits that may be issued by local health departments.
Current Sunset Date	July 1, 2022 (Utah Code Section <a href="#">63I-1-226</a> )

<b>Insurance Coverage for Opioids – Policies – Reports</b>	
Sections of Code that Sunset	<a href="#">31A-22-615.5</a>
Purpose	Permits a health insurer to enact policies related to limiting opioid addiction and overdose, as well as non-narcotic pain treatment and medication-assisted treatment for patients with an opioid dependence disorder.
Current Sunset Date	June 1, 2022 (Utah Code Section <a href="#">63I-1-231</a> )

<b>Controlled Substances</b>	
Sections of Code that Sunset	<a href="#">58-37-6(7)(f)(iii)</a>
Purpose	Prohibits filling a schedule II or III controlled substance prescription at a rate that exceeds a seven-day daily dosage rate unless used for a documented complex or chronic condition.
Current Sunset Date	July 1, 2022 (Utah Code Section <a href="#">63I-1-258</a> )

<b>Educational Qualifications for Licensure and Reporting</b>	
Sections of Code that Sunset	<a href="#">58-60-405(3)</a>
Purpose	Allows for an alternative path to licensure for clinical mental health counselors and requires DOPL to report how many individuals were licensed under the alternative path.
Current Sunset Date	July 1, 2022 (Utah Code Section <a href="#">63I-1-258</a> )

<b>Coordinating Council for Persons with Disabilities</b>	
Sections of Code that Sunset	<a href="#">62A-5a-101</a> through <a href="#">62A-5a-104</a>
Purpose	Creates the Coordinating Council for Persons with Disabilities, which coordinates policy concerning, and care for, persons with disabilities.
Current Sunset Date	July 1, 2022 (Utah Code Section <a href="#">63I-1-262</a> )

<b>Study for Long-Term Needs for Adult Beds in the State Hospital</b>	
Sections of Code that Sunset	<a href="#">62A-15-605(3)(h)</a> and <a href="#">(4)</a>
Purpose	Requires the Forensic Mental Health Coordinating Council to consult with the Utah Substance Abuse Advisory Council and study the long-term need for adult patient beds at the state hospital. Requires the Forensic Mental Health Coordinating Council to report results of study and any recommended changes to the Health and Human Services Interim Committee before Nov. 30 each year.
Current Sunset Date	July 1, 2022 (Utah Code Section <a href="#">63I-1-262</a> )

<b>Utah Substance Abuse and Mental Health Advisory Council</b>	
Sections of Code that Sunset	<ul style="list-style-type: none"> <li>• <a href="#">62A-15-1100(1)</a></li> <li>• <a href="#">62A-15-1101(9)</a></li> <li>• <a href="#">32B-2-306(1)(a)</a>, (4)(b), (4)(e) are repealed, and (4), (5)(a), and (5)(b) specific language related to the Utah Substance Use and Mental Health Advisory Council is repealed</li> <li>• <a href="#">32B-2-402(1)(b)</a></li> <li>• <a href="#">32B-2-404</a>, specific language</li> <li>• <a href="#">32B-2-405(2)</a> and (4)(a)(i), specific language</li> <li>• <a href="#">63M-7-301</a> through <a href="#">63M-7-304</a> and <a href="#">63M-7-306</a></li> <li>• <a href="#">63M-7-305(1)</a> and (2), specific language</li> </ul>
Purpose	Creates and defines responsibilities of the Utah Substance Use and Mental Health Advisory Council.
Current Sunset Date	January 1, 2023 (Utah Code Sections <a href="#">63I-1-262</a> , <a href="#">63I-1-232</a> , and <a href="#">63I-1-263</a> )

## Background

- BRIEF: [Overview of Health and Human Services Sunset Reviews, May 18, 2021](#) (Source: Office of Legislative Research and General Counsel)
- REPORT: Utah Department of Health (forthcoming)
- REPORT: Division of Occupational and Professional Licensing (forthcoming)
- REPORT: Utah Department of Health and Human Services (forthcoming)

### Issues

- Has the statute accomplished its intended purpose?
- Should the statute be allowed to sunset as scheduled, or should it be reauthorized (for up to 10 years if it remains subject to future sunset)?
- If reauthorized, should the statute be amended?

### Presenters

- Marc Watterson, Utah Department of Health and Utah Department of Human Services
- Tanji Northrup, Deputy Insurance Commissioner, Utah Insurance Department
- Mark Steinagel, Director, Division of Occupational and Professional Licensing

### Potential Action

- For each Code section, recommend repeal or reauthorization — with or without amendment — for up to 10 years.

- 10:00 **6. Performance Audit of the Utah Department of Health (25 minutes)**  
*The committee will consider the Legislative Auditor General's recent performance audit of the Utah Department of Health.*

### Background

- AUDIT: Performance Audit of the Utah Department of Health (forthcoming)

### Presenters

- Kade R. Minchey, Auditor General, and staff
- Utah Department of Health
- Committee discussion

### Potential Action

- Determine next steps.

- 10:25 **7. Performance Audit of Social Service Agencies' Performance Metrics** (15 minutes)  
*The committee will consider the Legislative Auditor General's recent performance audit of Social Service Agencies' performance metrics.*

#### Background

- AUDIT: Performance Audit of Social Service Agencies' Performance Metrics (forthcoming)
- [2020 H.B. 326 Performance Reporting and Efficiency Requirements](#)

#### Presenters

- Kade R. Minchey, Auditor General, and staff
- Committee discussion

#### Potential Action

- Determine next steps.

- 10:40 **8. Adjourn**