

**MINUTES OF THE  
HEALTH AND HUMAN SERVICES STANDING COMMITTEE  
ROOM 223, STATE CAPITOL BUILDING  
February 2, 2004**

MEMBERS PRESENT: Rep. Mike Thompson, Chair  
Rep. Steven R. Mascaro, Vice-Chair  
Rep. Calvin G. Bird  
Rep. Judy Ann Buffmire  
Rep. D. Gregg Buxton  
Rep. Patricia W. Jones  
Rep. Bradley G. Last  
Rep. David Litvack  
Rep. Rebecca Lockhart

MEMBERS ABSENT: Rep. Marda Dillree

STAFF PRESENT: Mark Andrews, Policy Analyst  
Sylvia Newton, House Secretary

Note: List of visitors and copy of handouts are filed with committee minutes.

Rep. Mascaro called the meeting to order at 8:05 a.m.

MOTION: Rep. Buxton moved to approve the minutes of the January 29, 2004 meeting. The motion passed unanimously with Rep. Last and Rep. Thompson absent for the vote.

**H.B. 179 Vulnerable Adult Abuse Amendments (Rep. P. Jones)**

MOTION: Rep. Jones moved to amend the bill as follows:

1. *Page 1, Lines 25 through 26:*

25 (1) As provided in Section 62A-3-305, any [~~Any~~] person[, including but  
not limited to, a social worker, physician, psychologist,

2. *Page 2, Line 31:*

31 (2) Anyone who makes that report in good faith [~~or otherwise notifies~~] to  
a law

3. *Page 2, Line 41:*

41 = (b) Adult Protective Services will notify the Long-Term Care Ombudsman, as  
defined in Section 62A-3-202, when the initial report to Adult Protective Services  
involves a resident of a long-term care facility as defined in Section 62A-3-202. The

Long-Term Care Ombudsman and Adult Protective Services shall coordinate, as appropriate, in conducting their investigations.

4. Page 2, Line 46:

46            ~~[(c)+(b)]~~    (c)    When the initial report or subsequent investigation by [an]  
Adult Protective

The motion to amend the bill passed unanimously with Rep. Thompson absent for the vote.

Rep. Jones introduced the amended bill and explained it to the committee.

Spoke in favor of the bill:    Ron Stromberg, Adult Protective Services.

MOTION: Rep. Buffmire moved to pass the amended bill out favorably. The motion passed unanimously with Rep. Thompson absent for the vote.

MOTION: Rep. Bird moved to place H.B. 179 on the Consent Calendar. The motion passed unanimously with Rep. Thompson absent for the vote.

**H.B. 207S01    Health Insurance Amendments (Rep. R. Lockhart)**

MOTION: Rep. Lockhart moved to delete in title and body 1st Sub. H.B. 207 and replace it with 2nd Sub. H.B. 207. The motion passed unanimously with Rep. Thompson absent for the vote.

Spoke in favor of the bill:    Suzette Green-Wright, Utah Insurance Department

MOTION: Rep. Litvack moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 95    Clarification of Dependent Health Care Coverage Amendments (Rep. T. Kiser)**

Rep. Kiser introduced H.B. 95 and explained it to the committee.

MOTION: Rep. Thompson moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Rep. Jones moved to place H.B. 95 on the Consent Calendar. The motion passed unanimously.

**H.B. 218 Private Health Insurance - Waiver of Health Condition (Rep. C. Bennion)**

MOTION: Rep. Lockhart moved to amend the bill as follows:

1. *Page 3, Line 76:*

76 ~~conditions that may~~ The following may ~~[[not]]~~ be the subject of a condition-specific exclusion

2. *Page 3, Lines 82 through 84:*

82 (B) anal fistula, breast implants, breast reduction, cystocele,

~~[[enuresis]]~~ rectocele, enuresis, hemorrhoids,

83 hydrocele, ~~[[hyospadius]]~~ hyospadius, uterine leiomyoma,

~~[[varicocele]]~~ varicocele, spermatocele, endometriosis;

84 (C) cleft lip, cleft palate, when existing at time of application, deviated nasal septum, and other sinus related conditions;

3. *Page 3, Line 89:*

89 (F) ~~[[Baker]]~~ Baker's cyst;

4. *Page 4, Lines 93 through 95:*

93 (A) shall be limited to the excluded condition; ~~[[and]]~~

94 (B) may not extend to any secondary medical condition that may or may not be directly

95 related to the excluded condition ; and

(C) must include the following informed consent paragraph: "I agree by signing below, to the terms of this rider, which excludes coverage for all treatment, including medications, related to specific condition(s) stated herein and that if treatment or medications are received that I have the responsibility for payment for those services and items. I further understand that this rider does not extend to any secondary medical condition that may or may not be directly related to the excluded condition(s) herein." .

The motion to amend the bill passed unanimously.

Rep. Bennion introduced H.B. 218 as amended and explained it to the committee.

Spoke to the bill: Suzette Green-Wright, Utah Insurance Department

Spoke in favor of the bill: Kelly Atkinson, Utah Health Insurance Association

MOTION: Rep. Litvack moved to pass the amended bill out favorably. The motion passed unanimously with Rep. Last absent for the vote.

**H.B. 227 Midwife Certification Act (Rep. J. Biskupski)**

MOTION: Rep. Litvack moved to amend the bill as follows:

1. *Page 8, Lines 226 through 227:*

226 (o) executing the orders of a licensed health care professional, only within the  
227 education, knowledge, and skill of the midwife.

**The practice of midwifery is not considered the practice of medicine.**

2. *Page 11, Lines 316 through 320:*

316 (1) In addition to the definition in Subsection 58-1-501(1), "unlawful conduct"  
includes:

317 ~~[(1)]~~ (a) representing or holding oneself out as a certified Direct-entry  
midwife when not

318 certified under this chapter; and

319 ~~[(2)]~~ (b) using prescription medications, except oxygen, while engaged in  
the practice of

320 midwifery when not certified under this chapter.

**(2) Except as provided in Subsections (1)(a) and (b), it is lawful to**  
**practice midwifery in this state without being certified under this chapter.**

The motion to amend the bill passed unanimously with Rep. Bird, Rep. Last, and Rep. Lockhart absent for the vote.

Rep. Biskupski introduced H.B. 227 as amended and explained it to the committee.

Spoke in favor of the bill: Heather Johnston, Utah Midwives Association  
Holly Richardson, Utah Midwives Association  
Sarah Foresberg, consumer  
Carrie Kemp, health care professional

Health and Human Services Standing Committee  
February 2, 2004  
Page 5

Spoke in opposition to the bill: Dale Sundwall, M.D.  
Joyce Simons, midwife

Spoke to the bill: Val Bateman, Utah Medical Association

MOTION: Rep. Bird moved to adjourn and hear H.B. 227 at the next meeting. The motion passed unanimously.

The meeting was adjourned at 9:58 a.m.

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Rep. Mike Thompson  
Committee Chair