

**MINUTES OF THE
HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM 223, STATE CAPITOL BUILDING
February 16, 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: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Thompson called the meeting to order at 4:25 p.m.

MOTION: Rep. Litvack moved to approve the minutes of the February 13, 2004 meeting. The motion passed unanimously with Rep. Mascaro absent for the vote.

H.B. 70 Geriatric Care Managers (Rep. R. Lockhart)

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

1. Page 15, Lines 453 through 454:

453 ~~[(e) notwithstanding Subsection 58-31b-102(11) an]~~ [[+]] An individual
 employed by another
454 person who is self directing his personal care in his private residence is exempt
 from licensure under Section 58-1-307 . [[+]] []

The motion to amend the bill passed unanimously.

Rep. Lockhart introduced H.B. 70 as amended and explained it to the committee. She was assisted by Deb Wynkoop, Department of Health, and Laura Poe, Division of Occupational and Professional Licensing.

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Spoke in favor of the bill: Dirk Anjewierden, Utah Health Care Association
Lin Neff, Washington House Assisted Living, Ogden
Tina Johnson, consumer advocate

Spoke in opposition to the bill: Laura Smith, Salt Lake County Aging Ombudsman
Helen Goddard, Division of Aging
Shauna O'Neil, Salt Lake County Aging Services

Spoke to the bill: Susan Lewsen, Utah Nurses Association

MOTION: Rep. Buxton moved to proceed to the next item on the agenda. The motion passed unanimously.

H.B. 127 Certified Medication Aide (*Rep. R. Lockhart*)

H.B. 127 was not considered in this meeting.

S.B. 86 Mental Health Professional Practice Act Amendments (*Sen. D. C. Buttars*)

Sen. Buttars introduced S.B. 86 and explained it to the committee.

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

MORION: Rep. Mascaro moved to place S.B. 86 on the Consent Calendar. The motion passed unanimously with Rep. Lockhart absent for the vote.

H.B. 275 Adoption Amendments (*Rep. A. Hardy*)

Rep. Hardy introduced H.B. 275 and explained it to the committee. She was assisted by David McConkie, Utah Adoption Council.

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

H.B. 241 Commitment for Mental Retardation (*Rep. C. Bird*)

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

1. Page 4, Lines 100 through 106:

100 **62A-5-302. Division responsibility.**
101 [(+)] The division is responsible **: (1)** for the supervision, care, and treatment of
 persons
102 with mental retardation in this state who are committed to ~~[[its]]~~ **the division's**
 jurisdiction under the provisions
103 of this part ~~[[.]]~~ **: and**

104 [[+]] (2) [[+]] ~~[The division is also responsible]~~ [[+]] **to evaluate and**
 determine [[+]] ~~[, after the voluntary~~
105 commitment criteria described in Section 62A-5-303 have been found to exist,]
 [[+]] **the most**
106 **appropriate, least restrictive setting for a mentally retarded individual.** [[+]]

2. Page 12, Lines 342 through 345:

342 determines that a transfer would be in the best interest of that resident. If a resident is
343 transferred, the administrator shall give immediate notice of the transfer to the resident's
344 spouse, guardian, parent, [[+]] **or advocate** [[+]] ~~[appointed under Section~~
 ~~62A-5-303]~~ or, if none of those
345 persons are known, to the resident's nearest known relative.

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

Rep. Bird introduced H.B. 241 as amended and explained it to the committee. He was assisted by George Kelner, Division of Services for People with Disabilities.

Spoke in favor of the bill: Joyce Dolcourt, Legislative Coalition for People with Disabilities

MOTION: Rep. Jones moved to pass the bill out favorably. The motion passed unanimously with Rep. Lockhart absent for the vote.

MOTION: Rep. Buffmire moved to place H.B. 241 on the Consent Calendar. The motion passed unanimously with Rep. Lockhart absent for the vote.

S.B. 125 Confidentiality of Drug Testing (*Sen. P. Julander*)

Sen. Julander introduced S.B. 125 and explained it to the committee.

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

MOTION: Rep. Litvack moved to place S.B. 125 on the Consent Calendar. The motion passed unanimously.

MOTION: Rep. Last moved to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 5:47 p.m.

Rep. Mike Thompson
Committee Chair