

**MINUTES OF THE
SENATE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
FRIDAY, FEBRUARY 20, 2004
ROOM 414, STATE CAPITOL BUILDING**

Members Present: Sen. James M. Evans, Chair
 Sen. Ron Allen
 Sen. Leonard Blackham
 Sen. Beverly Evans
 Sen. Scott K. Jenkins
 Sen. Paula F. Julander
 Sen. Peter Knudson
 Sen. David L. Thomas

Staff Present: Mark Andrews, Policy Analyst
 Jeanne Wride, Committee Secretary

Public Speakers Present: Ferdinand Turri, citizen
 Judi Hillman, Utah Issues
 Rick Schwermer, Administrative Office of the Courts
 Ken Wallentine, Utah Law Enforcement
 Suzanne Mitchell, Salt Lake County Children's Justice Center
 Kristen Brewer, Guardian ad Litem
 Joyce Kinmont, Utah Families
 Annie Tran, IHC Health Plans
 Brent Scott, Utah Health Insurance Association
 Gordon Walker, Director, Community Development
 Ron Gordon, Utah Sentencing Commission
 Stewart Ralph, Utah Domestic Violence Council
 Kathleen Sorenson, Utah Families
 Suzette Green-Wright, Utah Insurance Department
 Reid Richards, Utah Sheriffs Association
 Candace Daly, Community Developer
 Edward Havas, Utah Trial Lawyers Association

A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. J. Evans called the meeting to order at 7:35 a.m.

MOTION TO APPROVE MINUTES:

MOTION: Sen. Knudson moved to approve the minutes of February 18, 2004.

The motion passed unanimously with Sen. Blackham and Sen. B. Evans absent for the vote.

1. **H.C.R. 2 INDIVIDUALS WITH DISABILITIES ACT RESOLUTION** (*Rep. K. Holdaway*)

Rep. Holdaway presented the bill to the committee.

MOTION: Sen. Allen moved to pass H.C.R. 2 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Blackham and Sen. B. Evans absent at the time of the vote.

MOTION: Sen. Allen moved to place H.C.R. 2 on the consent calendar.

The motion passed unanimously with Sen. Blackham and Sen. B. Evans absent at the time of the vote.

2. **H. B. 86 PRIMARY CARE NETWORK AMENDMENTS** (*Rep. K. Holdaway*)

Rep. Holdaway presented the bill to the committee.

Ferdinand Turri, citizen, and Judi Hillman, Utah Issues, spoke in favor of the bill.

MOTION: Sen. Julander moved to pass H. B. 86 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Blackham and Sen. B. Evans absent at the time of the vote.

3. **H.B. 97 PROTECTIVE ORDER AMENDMENTS** (*Rep. K. Holdaway*)

Rep. Holdaway presented the bill to the committee.

Stewart Ralphs, Utah Domestic Council, spoke against the bill. Rick Schwermer, Administrative Office of the Courts, spoke in favor.

MOTION: Sen. Thomas moved to pass H.B. 97 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Jenkins absent at the time of the vote.

4. **1st. SUB. H.B. 54 VIDEOTAPE OF MINORS** (*Rep. W. Harper*)

MOTION: Sen. Knudson moved to amend the bill as follows:

1. *Page 2, Lines 34i through 34k*
House Floor Amendments
2-10-2004:

34i **(4) A PARENT OR GUARDIAN WHO ACCOMPANIES A CHILD WHILE**
MEETING WITH A
34j **WORKER MAY** [~~**NOT BE PROHIBITED FROM**~~
~~**AUDIOTAPING**~~] **audiotape** **THE INTERACTION BETWEEN THE CHILD**
34k **AND WORKER.** h

The motion passed unanimously with Sen. Jenkins absent at the time of the vote.

Rep. Harper presented the bill to the committee.

Ken Wallentine, Utah Law Enforcement spoke to the bill. Joyce Kinmont, Utah Families spoke in favor of the bill. Suzanne Mitchell, Salt Lake County Children's Justice Center, and Kristen Brewer, Guardian ad Litem spoke in opposition to the bill.

MOTION: Sen. Thomas moved to pass H. B. 54, as amended, out of committee with a favorable recommendation.

The motion failed with Sen. J. Evans, Sen. Allen, Sen. Blackham, Sen. B. Evans, Sen. Knudson and Sen. Julander voting in opposition. Sen. Jenkins was absent for the vote.

5. **S. B. 29 ACCESS TO RURAL HEALTH CARE PROVIDERS** (*Sen. L. Blackham*)

MOTION: Sen. Blackham moved to substitute S.B. 29 with 1st Sub. S.B. 29.

The motion passed with Sen. Jenkins and Sen. Thomas absent for the vote.

Sen. Blackham presented the bill to the committee.

Annie Tran, IHC Health Plans, and Brent Scott, Utah Health Insurance Association, spoke in favor of the bill.

MOTION: Sen. Knudson moved to pass 1st Sub. S.B. 29 out of committee with a favorable recommendation.

The motion passed with Sen. Jenkins and Sen. Thomas absent for the vote.

6. **S.B. 224 HOMELESS COORDINATING COMMITTEE** (*Sen. K. Hale*)

Sen. Hale presented the bill to the committee.

Gordon Walker, Director, Community Development, spoke in favor of the bill.

MOTION: Sen. Julander moved to pass S.B. 224 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Thomas, Sen. Knudson, Sen. Jenkins, and Sen. Blackham absent for the vote.

7. **H.B. 169 MAIL THEFT AMENDMENTS** (Rep. M. Thompson)

Rep. Thompson presented the bill to the committee.

Ron Gordon, Utah Sentencing Commission, spoke to the bill.

MOTION: Sen. Allen moved to pass H.B. 169 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Blackham, Sen. Knudson, and Sen. Thomas absent for the vote.

8. **H.J.R. 9 RESOLUTION SUPPORTING EFFORTS TO END HOMELESSNESS**
(Rep. D. Clark)

Rep. D. Clark presented the bill to the committee.

Stewart Ralphs, Utah Domestic Violence Council spoke to the bill.

MOTION: Sen. B. Evans moved to pass H.J.R. 9 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Blackham, Sen. Knudson, Sen. Thomas, and Sen. Julander absent for the vote.

9. **1st SUB. H.B. 236 FAMILIES, AGENCIES, AND COMMUNITIES TOGETHER**
AMENDMENTS (Rep. D. Litvack)

Rep. Litvack presented the bill to the committee.

Kathleen Sorenson, Utah Families, spoke in support of the bill.

MOTION: Sen. Allen moved to pass 1st Sub. H.B. 236 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Blackham, Sen. Knudson, Sen. Thomas, and Sen. Julander absent for the vote.

10. **2nd SUB. H.B. 207 HEALTH INSURANCE AMENDMENTS** (Rep. R. Lockhart)

Rep. Lockhart presented the bill to the committee.

Suzette Green-Wright, Utah Insurance Department, spoke to the bill.

MOTION: Sen. B. Evans moved to pass 2nd Sub. H.B. 207 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Blackham, Sen. Knudson, Sen. Thomas, and Sen. Julander absent for the vote.

11. H.B. 93 DNA REIMBURSEMENT COSTS (Rep. J. S. Adams)

Rep. Adams presented the bill to the committee.

Reid Richards, Utah Sheriffs Association, spoke to the bill.

MOTION: Sen. Jenkins moved to pass H.B. 93 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Blackham, Sen. Knudson, Sen. Thomas, and Sen. Julander absent for the vote.

12. H.B. 106 HEALTH INSURANCE ACT AMENDMENTS (Rep. J. Dunningan)

Rep. Dunningan presented the bill to the committee.

MOTION: Sen. Allen moved to amend H. B. 106 as follows:

1. Page 1, Line 25: After "Pool;" delete "and" and after line 25 insert:
"► amends powers of the board; and"
2. Page 2, Line 30: Delete "None" and insert "This bill provides an immediate effective date."
3. Page 2, Line 35: After line 35 insert:
"**31A-29-106**, as last amended by Chapter 168, Laws of Utah 2003"
4. Page 10, Line 292: After line 292 insert:
"Section 4. Section **31A-29-106** is amended to read:
31A-29-106. Powers and duties of board.
(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact health care insurance business. In addition, the board shall have the specific authority to:
(a) enter into contracts to carry out the provisions and purposes of this chapter, including, with the approval of the commissioner, contracts with:
(i) similar pools of other states for the joint performance of common administrative functions; or
(ii) persons or other organizations for the performance of administrative functions;
(b) sue or be sued, including taking such legal action necessary to

- avoid the payment of improper claims against the pool or the coverage provided through the pool;
 - (c) establish appropriate rates, rate schedules, rate adjustments, expense allowances, agents' referral fees, claim reserve formulas, and any other actuarial function appropriate to the operation of the pool;
 - (d) issue policies of insurance in accordance with the requirements of this chapter;
 - (e) retain an executive director and appropriate legal, actuarial, and other personnel as necessary to provide technical assistance in the operations of the pool;
 - (f) establish rules, conditions, and procedures for reinsuring risks under this chapter;
 - (g) cause the pool to have an annual audit of its operations by the state auditor;
 - (h) coordinate with the Department of Health in seeking to obtain from the Centers for Medicare and Medicaid Services, or other appropriate office or agency of government, all appropriate waivers, authority, and permission needed to coordinate the coverage available from the pool with coverage available under Medicaid, either before or after Medicaid coverage, or as a conversion option upon completion of Medicaid eligibility, without the necessity for requalification by the enrollee;
 - (i) provide for and employ cost containment measures and requirements including preadmission certification, concurrent inpatient review, and individual case management for the purpose of making the pool more cost-effective;
 - (j) offer pool coverage through contracts with health maintenance organizations, preferred provider organizations, and other managed care systems that will manage costs while maintaining quality care;
 - (k) establish annual limits on benefits payable under the pool to or on behalf of any enrollee;
 - (l) exclude from coverage under the pool specific benefits, medical conditions, and procedures for the purpose of protecting the financial viability of the pool;
 - (m) administer the Pool Fund;
 - (n) make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to implement this chapter; and
 - (o) adopt, trademark, and copyright a trade name for the pool for use in marketing and publicizing the pool and its products.
- (2) (a) The board shall prepare and submit an annual report to the Legislature which shall include:
- (i) the net premiums anticipated;
 - (ii) actuarial projections of payments required of the pool;
 - (iii) the expenses of administration; and
 - (iv) the anticipated reserves or losses of the pool.
- (b) The budget for operation of the pool is subject to the approval of the board.
- (c) The administrative budget of the board and the commissioner

under this chapter shall comply with the requirements of Title 63, Chapter 38, Budgetary Procedures Act, and is subject to review and approval by the Legislature.

(3) (a) The board shall on or before September 1, 2004, require the plan administrator or an independent actuarial consultant retained by the plan administrator to redetermine the reasonable equivalent of the criteria for uninsurability required under Subsection 31A-30-106(j) that is used by the board to determine eligibility for coverage in the pool.

(b) The board shall redetermine the criteria established in Subsection (3)(a) at least every five years thereafter."

5. Page 19, Line 583: After line 583 insert:
"Section 9. **Effective date.**
If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override."

Renumber remaining sections accordingly.

The motion passed unanimously with Sen. Blackham, Sen. Knudson, Sen. Thomas, and Sen. Julander absent for the vote.

Annie Tran, IHC Health Plans; Suzette Green-Wright, Utah Insurance Department; and Candace Daly, citizen; spoke to the bill.

MOTION: Sen. Allen moved to pass H.B. 106, as amended, out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Blackham, Sen. Knudson, Sen. Thomas, and Sen. Julander absent for the vote.

13. H.J.R. 16 RESOLUTION AMENDING RULES OF CIVIL PROCEDURE (Rep. G. Curtis)

Edward Havas, Utah Trial Lawyers Association, spoke to the bill.

MOTION: Sen. B. Evans moved to place H.J.R.. 16 at the top of the next meeting's agenda..

The motion passed unanimously with Sen. Blackham, Sen. Knudson, Sen. Thomas, and Sen. Julander absent for the vote.

MOTION: Sen. Jenkins moved to adjourn.

The motion passed unanimously with Sen. Blackham, Sen. Knudson, Sen. Thomas, and Sen. Julander absent for the vote.

Chair J. Evans adjourned the meeting at 9:45 a.m.

Minutes reported by Jeanne Wride, Secretary

Sen. James Evans, Committee Chair