

**MINUTES OF THE  
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE  
ROOM W125, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX  
February 1, 2005**

MEMBERS PRESENT:           Rep. Bradley G. Last, Chair  
                                  Rep. Paul Ray, Vice Chair  
                                  Rep. D. Gregg Buxton  
                                  Rep. Patricia W. Jones  
                                  Rep. David Litvack  
                                  Rep. Rebecca Lockhart  
                                  Rep. Steven R. Mascaró

MEMBERS ABSENT:           Rep. Ronda R. Menlove

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. Last called the meeting to order at 9:01 a.m.

MOTION:   Rep. Ray moved to approve the minutes of the January 28, 2005 meeting. The motion passed unanimously with Rep. Jones and Rep. Litvack absent for the vote.

**H.B. 79     Provision of Services for People with Disabilities (Rep. R. Lockhart)**

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

1.   *Page 2, Lines 29 through 31:*

29           ▶   prohibits the Division of Services for People with Disabilities from disbursing  
30   public funds to pay for the services of a direct service worker, unless the direct  
31   service worker successfully completes a background check or, after submitting the  
required information for a background check, and before a determination on the  
background check is made, the direct service worker is directly supervised by a  
direct service worker who successfully completes a background check ;

2.   *Page 11, Line 322:*

322           (i) monitor and sanction approved providers , as specified in the providers'  
contract ;

3. Page 12, Lines 359 through 367:

- 359           (1) For purposes of this section :  
              (a) "office" is as defined in Section 62A-2-101 {-} ; and  
              (b) "directly supervised" means that the person being supervised is under the  
              uninterrupted visual and auditory surveillance of the person doing the supervising.  
              =
- 360           (2) Subject to Subsection (4), public funds may not be disbursed to pay a direct  
              service  
361 worker for personal services rendered to a person, unless :  
              (a) the direct service worker is approved  
362 by the office to have direct access and provide services to children or vulnerable adults  
363 pursuant to Section 62A-2-120 {-} ; or  
              (b) (i) during the time that the direct service worker renders the services  
              described in this Subsection (2), the direct service worker who renders the services is  
              directly supervised by a direct service worker who is approved by the office to have  
              direct access and provide services to children or vulnerable adults pursuant to  
              Section 62A-2-120;  
              (ii) the direct service worker who renders the services described in this  
              Subsection (2) has submitted the information required for a background check  
              pursuant to Section 62A-2-120; and  
              (iii) the office has not determined whether to approve the direct service  
              worker described in Subsection (2)(b)(ii) to have direct access and provide services  
              to children or vulnerable adults.
- 364           (3) For purposes of Subsection (2), the office shall conduct a background check of a  
365 direct service worker:  
366           (a) , except as provided in Subsection (2)(b), before public funds are disbursed  
              to pay the direct service worker for the personal  
367 services described in Subsection (2); and

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

Rep. Lockhart introduced H.B. 79 as amended and explained it to the committee. She was assisted by George Kelner, Division of Services for People with Disabilities.

Spoke in favor of the bill: LaMonte Dansie, Utah Association of Community Services  
Joyce Dolcourt, Legislative Coalition for People with Disabilities

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

**H.B. 22 Intercountry Adoption Accreditation (*Rep. R. McGee*)**

Rep. McGee introduced H.B. 22 and explained it to the committee. She was assisted by Mark Duke, Utah Adoption Council.

Spoke to the bill: Ken Stettler, Office of Licensing, Department of Human Services  
(handout)

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

MOTION: Rep. Buxton moved to adjourn the meeting. The motion passed unanimously with Rep. Lockhart and Rep. Ray absent for the vote.

Rep. Last adjourned the meeting at 9:27 a.m.

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Rep. Bradley G. Last  
Committee Chair