

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM W125, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
February 7, 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. Ronda R. Menlove

MEMBERS ABSENT: Rep. Steven R. Mascaro

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 8:09 a.m.

MOTION: Rep. Buxton moved to approve the minutes of the February 3, 2005 meeting. The motion passed unanimously with Rep. Jones, Rep. Litvack, and Rep. Menlove absent for the vote.

H.B. 243 Repeal of Geriatric Care Manager (Rep. R. Lockhart)

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

1. *Page 16, Line 490:*

490 Subsection 58-31b-302 {+} (2) {+} {~~(3)(d)~~} as an advanced practice registered nurse.

The motion to amend the bill passed unanimously with Rep. Jones, Rep. Litvack, and Rep. Menlove absent for the vote.

Spoke in favor of the bill: Laura Poe, Division of Professional Licensing

MOTION: Rep. Buxton moved to pass the bill as amended out favorably. The motion passed unanimously with Rep. Jones, Rep. Litvack, and Rep. Menlove absent for the vote.

S.B. 83 Medical Decisions of a Parent or Guardian (Sen. D. Thomas)

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

1. *Page 1, Lines 15 through 17*
Senate 2nd Reading Amendments
1-24-2005:

15 • a health care decision made by a child's parent or guardian does not
 constitute
16 neglect unless the state or other party to the proceeding shows, by clear and
17 convincing evidence, that the decision is not reasonable and
 ~~{prudent}~~ informed ; and

2. *Page 1, Lines 21 through 24*
Senate 2nd Reading Amendments
1-24-2005:

21 • a health care decision made by a child's parent or guardian does not
 constitute
22 severe child abuse or neglect unless the state or other party to the proceeding
23 shows, by clear and convincing evidence, that the decision is not reasonable and
24 ~~{prudent}~~ informed ; and

3. *Page 2, Lines 34 through 37*
Senate 2nd Reading Amendments
1-24-2005:

34 ▶ modifies the definition of a neglected child under the Juvenile Court Act of
 1996 to
35 provide that a health care decision made by a child's parent or guardian does not
36 constitute neglect unless the state or other party to the proceeding can show, by
37 clear and convincing evidence, that the decision was not reasonable and
 ~~{prudent}~~ informed ;

4. *Page 2, Lines 41 through 43*
Senate 2nd Reading Amendments
1-24-2005:

41 • a health care decision made by a child's parent does not constitute neglect

42 unless the state or other party to the proceeding shows, by clear and convincing
43 evidence, that the decision is not reasonable and ~~{prudent}~~ informed ; and

5. *Page 2, Lines 50 through 51*
Senate 2nd Reading Amendments
1-24-2005:

50 is required by law ~~{, unless the health care provider fails to comply with the child~~
51 ~~abuse or neglect reporting requirements}~~ ;

6. *Page 5, Line 149 through Page 6, Line 152:*

149 (d) (i) Notwithstanding Subsection (18)(a), a health care decision made for a child
by
150 the child's parent or guardian does not constitute neglect unless the state or other party to
the
151 proceeding shows, by clear and convincing evidence, that the health care decision is not
152 reasonable and ~~{prudent}~~ informed .

7. *Page 9, Lines 265 through 267:*

265 © a health care decision made for a child by the child's parent or guardian, unless
the
266 state or other party to the proceeding shows, by clear and convincing evidence, that the
health
267 care decision is not reasonable and ~~{prudent}~~ informed .

8. *Page 17, Lines 515 through 518*
Senate 2nd Reading Amendments
1-24-2005:

515 (iv) Notwithstanding Subsection (1)(s)(i), a health care decision made for a child by
the
516 child's parent or guardian does not constitute neglect unless the state or other party to the
517 proceeding shows, by clear and convincing evidence, that the health care decision is not
518 reasonable and ~~{prudent}~~ informed .

9. *Page 20, Lines 609 through 612*
Senate 2nd Reading Amendments
1-24-2005:

609 (4) (a) Notwithstanding Subsection (2), a parent may not be considered neglectful or
610 unfit because of a health care decision made for a child by the child's parent unless the
 state or
611 other party to the proceeding shows, by clear and convincing evidence, that the health
 care
612 decision is not reasonable and {~~prudent~~} informed .

10. Page 21, Lines 640 through 643:

640 {~~(2) The prohibition on bringing a malpractice action against a health care~~
 ~~provider in~~
641 ~~Subsection (1) does not apply if the health care provider fails to comply with the~~
 ~~requirements~~
642 ~~of Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements.~~
643 ~~—(3)—~~ (2) The sole purpose of this section is to prohibit a malpractice action
 against a health

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

Sen. Thomas introduced S.B. 83 as amended and explained it to the committee.

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

H.B. 279 Clinical Counselor - Title Change (Rep. L. Fowlke)

Rep. Fowlke introduced H.B. 279 and explained it to the committee.

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

MOTION: Rep. Litvack moved to place H.B. 279 on the Consent Calendar. The motion passed unanimously with Rep. Jones absent for the vote.

MOTION: Rep. Ray moved to recess for five minutes.

Rep. Last called the meeting to order and relinquished the chair to Rep. Ray.

S.B. 107 Licensure and Regulation of Programs and Facilities (*Sen. T. Hatch*)

Rep. Last introduced S.B. 107. Ken Stettler, Director, Office of Licensing, Department of Human Services, assisted Sen. Hatch in explaining the bill.

Spoke in favor of the bill: Fraser Nelson, Disability Law Center

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

MOTION: Rep. Lockhart moved to adjourn the meeting. The motion passed unanimously.

Rep. Ray adjourned the meeting at 9:23 a.m.

Rep. Bradley G. Last
Committee Chair