

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES
STANDING COMMITTEE, JANUARY 31, 2005
ROOM W020, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. Allen Christensen, Chair
Sen. Gregory Bell
Sen. Peter Knudson

Member Excused: President John Valentine
Sen. Ron Allen
Sen. Paula Julander

Staff Present: Mark Andrews, Policy Analyst
Cathy Dupont
Nedra Duzett, Secretary

Public Speakers Present: Dee Brewer, Altius Health Plans
Richard Anderson, Director, Division of Child & Family Services
Kristin Brewer, Director, Office of the Guardian ad Litem
Gayle Ruzkia, Eagle Forum
Patricia Worthington, Director, Foster Care Citizen Review Boards
Janet Jensen, Attorney
Dave Gessel, UHA: Utah Hospitals and Health Systems
Gary Rabetoy, Physician
Chris Wehl, Legislative Chair, Utah Psychological Association

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

Committee Chair Christensen called the meeting to order at 8:25 a.m.

MOTION: Sen. Bell moved to approve the minutes of January 27, 2005.

The motion passed unanimously.

1. S.B. 142 Pharmacy Practice Act Amendments (P. Knudson)

Sen. Knudson explained the bill and an amendment to the bill.

MOTION: Sen. Bell moved to adopt the following amendment to the bill.

1. Page 1, Line 25

25 58-17b-503, as enacted by Chapter 280, Laws of Utah 2004

58-17b-609, as enacted by Chapter 280, Laws of Utah 2004

2. *Page 17, Lines 512 through 513*

- 512 (f) accepting back and redistribution of the drug complies with Federal Food and
Drug
513 Administration and Drug Enforcement Administration regulations.

Section 6. Section 58-17B-609 is amended to read:

**58-17b-609. Limitation on prescriptions and refills -- Controlled
Substances Act not affected -- Legend drugs.**

- (1) A prescription for any prescription drug **or device** may not be dispensed after one year from the date it was initiated except as otherwise provided in Chapter 37, Utah Controlled Substances Act.
- (2) A prescription authorized to be refilled may not be refilled after one year from the original issue date.
- (3) A practitioner may not be prohibited from issuing a new prescription for the same drug orally, in writing, or by electronic transmission.
- (4) Nothing in this chapter affects Chapter 37, Utah Controlled Substances Act.
- (5) ~~{Prescriptions}~~ **A prescription** for a legend drug written by a licensed prescribing practitioner in another state may be filled or refilled by a pharmacist or pharmacy intern in this state ~~{, and}~~ **if** the pharmacist or pharmacy intern ~~{knows the prescribing practitioner holds a current license}~~ **verifies that the prescription is valid** .

Renumber remaining sections accordingly.

The motion passed unanimously.

Dee Brewer, Altius Health Plans, commented on the bill.

MOTION: Sen. Bell moved to pass the bill as amended with a favorable recommendation.

The motion passed unanimously.

2. **S.B. 72 Child Welfare Amendments** (D. Eastman)

Richard Anderson, Director, Division of Child and Family Services, explained the bill for Sen. Eastman.

MOTION: Sen. Bell moved to adopt the following amendment to the bill.

1. *Page 1, Lines 17 through 19:*

- 17 ▶ provides that a child and family plan may only include requirements that:
18 • address findings made by the court; or
19 • are requested or approved by a parent or guardian of the child **, and are
agreed to by the division and the guardian ad litem** ;

2. *Page 13, Line 398 through Page 14, Line 401:*

- 398 (h) For purposes of Subsection (7)(d), a child and family plan may only include
399 requirements that:
400 (i) address findings made by the court; or
401 (ii) (A) are requested or consented to by a parent or guardian of the
child {-.} ; and
(B) are agreed to by the division and the guardian ad litem.

The motion passed unanimously.

The following spoke on the bill:

Kristin Brewer, Director, Office of the Guardian ad Litem

Gayle Ruzicka, Eagle Forum

Patricia Worthington, Director, Foster Care Citizen Review Boards

MOTION: Sen. Bell moved to adopt a 2nd amendment to the bill.

1. *Page 11, Lines 322 through 323:*

- 322 (b) The interdisciplinary team described in Subsection (2)(a) shall include {+} ,
but is not
323 **limited to, {+}** representatives from the following fields:

The motion passed unanimously.

Sen. Knudson moved to pass the bill as amended with a favorable recommendation.

The motion passed unanimously.

3. **S.B. 145 Prohibition Against Certain Medical Noncompetition Agreements**

(A. Christensen)

Sen. Christensen explained the bill.

The following spoke on the bill:

Janet Jenson, attorney

Dave Gessel, UHA: Utah Hospitals and Health Systems

Gary Rabetoy, physician, spoke in favor of the bill.

MOTION: Sen. Christensen moved to pass the bill with a favorable recommendation.

The motion passed unanimously with Sen. Bell absent for the vote.

4. **S.B. 147 Psychologist Licensing Act Amendments** (E. Mayne)

Sen. Mayne explained the bill.

Chris Wehl, Utah Psychological Association, commented on the bill.

MOTION: Sen. Knudson moved to pass the bill with a favorable recommendation.

The motion passed unanimously.

5. **S.B. 55 Access to Patient Medical Records** (P. Arent)

Sen. Arent explained the bill.

Cathy Dupont, Associate General Counsel, gave further explanation of the bill.

MOTION: Sen. Knudson moved to pass the bill with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Knudson moved to adjourn.

Sen. Christensen adjourned the meeting at 9:45 a.m.

Minutes reported by Nedra Duzett, Secretary.