

**CORRECTED MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM W125, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX
Revised February 22, 2007**

MEMBERS PRESENT: Rep. Paul Ray, Chair
 Rep. Ronda R. Menlove, Vice Chair
 Rep. D. Gregg Buxton
 Rep. John Dougall
 Rep. David Litvack
 Rep. Phil Riesen
 Rep. Stephen E. Sandstrom

MEMBERS ABSENT: Rep. Wayne A. Harper

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. Ray called the meeting to order at 7:35 a.m.

MOTION: Rep. Buxton moved to approve the minutes of the February 19, 2007 meeting. The motion passed unanimously with Rep. Dougall and Rep. Litvack absent for the vote.

Rep. Ray turned the chair over to Rep. Menlove.

**H.J.R. 16 Joint Resolution Supporting Governor's Child and Family Cabinet Council
(Rep. P. Ray)**

MOTION: Rep. Ray moved to amend the resolution as followed:

1. Page 1, Lines 15 through 17:

15 ▶ supports the formation of the Utah Governor's Child and Family Cabinet Council
 to
16 focus on the issues of child abuse, substance abuse, neglect, and domestic violence
 and ~~{its}~~ their threat to Utah's children and
17 families.

2. Page 2, Lines 49 through 51:

49 supports the formation, by Governor Huntsman, of a council known as the Utah Governor's
50 Child and Family Cabinet Council to focus on ~~{the issues of domestic violence and its
 threat to}~~ a coordinated approach to preventing abuse, neglect, and domestic

violence threatening

51 Utah's children and families.

The motion to amend the resolution passed unanimously with Rep. Dougall absent for the vote.

Rep. Ray explained H.J.R. 16 as amended to the committee.

Spoke in favor of the bill: Dwayne Baird, Department of Human Services
Ned Searle, Commission on Criminal & Juvenile Justice

MOTION: Rep. Ray moved to pass H.J.R. as amended out favorably. The motion passed unanimously with Rep. Dougall absent for the vote.

Rep. Ray resumed the chair.

S.B. 193 Amendments to Mental Health Professional Practice Act (Sen. P. Jones)

Sen. Jones explained S.B. 193 to the committee, assisted by Mark Payne, Division of Substance Abuse and Mental Health. A handout was provided to committee members.

Spoke in favor of the bill: Patrick Fleming, Salt Lake County Substance Abuse
Dave Felt, Association of Utah Substance Abuse Professionals

MOTION: Rep. Litvack moved to pass S.B. 193 out favorably. The motion passed unanimously with Rep. Dougall and Rep. Menlove absent for the vote.

MOTION: Rep. Buxton moved to place S.B. 193 on the Consent Calendar. The motion passed unanimously with Rep. Dougall and Rep. Menlove absent for the vote.

H.B. 250 Consumer Access to Health Care Charges (Rep. E. Hutchings)

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

1. Page 2, Lines 39 through 45:

39 A health care facility licensed under this chapter shall, when requested by a
consumer:

40 (1) make a list of prices available for the consumer which includes the facility's {:

41 —(a)} 50 most frequently performed:

42 {(f)} (a) in-patient procedures; and

- 43 {~~(f)~~} (b) out-patient procedures; and
44 {~~(b) the 50 most commonly prescribed drugs in the facility; and~~}
45 (2) provide the consumer with information regarding any discounts available for:

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

Rep. Hutchings explained H.B. 250 as amended.

Spoke to the bill: Michelle McOmer, Utah Medical Association
 Senator Peter Knudson, Utah State Senate

Spoke in favor of the bill: Brad Kuhnhausen, Utah Association of Health Underwriters

Spoke in opposition to the bill: Judi Hilman, Utah Health Policy Project

MOTION: Rep. Menlove moved to pass H.B. 250 as amended out favorably. The motion passed with Rep. Litvack and Rep. Sandstrom voting in opposition to the motion and Rep. Dougall absent for the vote.

H.B. 444 Promotion of Health Efficiencies *(Rep. B. Last)*

Rep. Last explained the bill to the committee, assisted by Dan Hull, Executive Director, Utah Association of Home Care. Rep. Last provided handouts to committee members and also declared a conflict of interest.

Spoke in favor of the bill: Steve Love, president, Love Health Care
 Michael Hales, Director, Division of Health Care Financing, Utah
 Department of Health

MOTION: Rep. Menlove moved to return H.B. 444 to the Rules Committee with a recommendation for interim study. The motion passed unanimously with Rep. Dougall absent for the vote.

S.B. 45 Nursing Amendments *(Sen. P. Knudson)*

Sen. Knudson explained the bill to the committee, assisted by Laura Poe, Division of Occupational and Professional Licensing.

MOTION: Rep. Litvack moved to pass S.B. 45 out favorably. The motion passed unanimously with Rep. Dougall absent for the vote.

MOTION: Rep. Menlove moved to place S.B. 45 on the Consent Calendar. The motion passed unanimously with Rep. Dougall absent for the vote.

S.B. 160 Pharmacy Practice Act Amendments (Sen. P. Knudson)

Sen. Knudson explained S.B. 160 to the committee, assisted by Laura Poe, Division of Occupational and Professional Licensing.

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

1. Page 4, Line 113 through Page 5, Line 124b:

113 "Unprofessional conduct" includes:

114 (1) willfully deceiving or attempting to deceive the division, the board, or their
agents

115 as to any relevant matter regarding compliance under this chapter;

116 (2) (a) {~~except for price discounts [conditional] based upon [volume
purchases: (a)]~~

117 ~~purchase volumes paying rebates to practitioners or any other health care providers;
and}~~ =

except as provided in Subsection (2)(b):

(i) paying rebates to practitioners or receiving rebates from practitioners or any
other health care provider; or

(ii) paying or receiving compensation in the form of a commission, bonus, rebate,
kickback, or split fee arrangement with practitioners or any other health care
provider, for the purpose of obtaining referrals.

(b) Subsection (2)(a) does not apply to:

(i) giving or receiving price discounts based on purchase volume; or

(ii) passing along pharmaceutical manufacturer's rebates.

118 [~~(b) entering into any agreement with a medical practitioner or any other person for
the~~

119 payment or acceptance of compensation or its economic equivalent for recommending the
120 professional services of either party;]

121 {~~(b)~~} ~~→ [providing to or receiving from a physician, surgeon, organization,
agency, or other~~

122 ~~person, either directly or indirectly, any form of compensation for the referral of a patient
to a~~

123 ~~pharmacy licensed under this chapter, including compensation in the form of a~~

- ~~commission;~~
124 ~~bonus, rebate, kickback, or split-fee arrangement;]~~ { for pharmacies and pharmacists
not
124a participating in Medicare or Medicaid, an act that would violate the Federal
Anti-kickback
124b Statute, 42 U.S.C. sec. 1320a-7b(b). ~~←§~~ }

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

Spoke to the bill: Shelly Cordon Teuscher, Vetcentric

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

1. Page 4, Line 113 through Page 5, Line 124b:

- 113 "Unprofessional conduct" includes:
114 (1) willfully deceiving or attempting to deceive the division, the board, or their
agents
115 as to any relevant matter regarding compliance under this chapter;
116 (2) (a) { ~~except for price discounts [conditional] based upon [volume~~
~~purchases: (a)]~~
117 purchase volumes paying rebates to practitioners or any other health care providers;
and } =
except as provided in Subsection (2)(b):
(i) paying rebates to practitioners or receiving rebates from practitioners or any
other health care provider; or
(ii) paying or receiving compensation in the form of a commission, bonus, rebate,
kickback, or split fee arrangement with practitioners or any other health care
provider, for the purpose of obtaining referrals.
(b) Subsection (2)(a) does not apply to:
(i) giving or receiving price discounts based on purchase volume;
(ii) passing along pharmaceutical manufacturer's rebates; or
(iii) being compensated for providing dispensing, billing and related services to a
veterinarian.
118 [~~(b) entering into any agreement with a medical practitioner or any other person for~~
the
119 payment or acceptance of compensation or its economic equivalent for recommending the
120 professional services of either party;]

- 121 ~~{(b)}~~ } ~~§~~→ [~~providing to or receiving from a physician, surgeon, organization,~~
~~agency, or other~~
122 ~~person, either directly or indirectly, any form of compensation for the referral of a patient~~
~~to a~~
123 ~~pharmacy licensed under this chapter, including compensation in the form of a~~
~~commission;~~
124 ~~bonus, rebate, kickback, or split-fee arrangement;~~] { for pharmacies and pharmacists
not
124a participating in Medicare or Medicaid, an act that would violate the Federal
Anti-kickback
124b Statute, 42 U.S.C. sec. 1320a-7b(b). ←~~§~~ }

The motion to amend the bill passed with Rep. Menlove and Rep. Ray voting in opposition to the motion and Rep. Dougall absent for the vote.

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

1. Line 117: After "except as provided in Subsection (2)(b): (i) paying" insert "or offering"
and
After "(ii) paying" insert ", offering,"

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

MOTION: Rep. Menlove moved to pass S.B. 160 as amended out favorably. The motion passed unanimously with Rep. Dougall absent for the vote.

MOTION: Rep. Riesen moved to adjourn the meeting. The motion passed unanimously with Rep. Dougall absent for the vote.

Rep. Ray adjourned the meeting at 8:59 a.m.

Rep. Paul Ray
Committee Chair