

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES
STANDING COMMITTEE
FEBRUARY 20, 2007
ROOM W020, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

Members Present: Sen. D. Chris Buttars, Chair
 Sen. Allen M. Christensen
 Sen. Brent H. Goodfellow
 Sen. Peter C. Knudson
 Sen. Scott D. McCoy

Staff Present: Mark D. Andrews, Policy Analyst
 Nedra B. Duzett, Secretary

Public Speakers Present: Don Gorlitz, Utah Assn. of Health Underwriters
 Bryan Bird, Utah Ambulatory Surgery Center Assn.
 Frank Pignanelli, Regence Blue Cross and Blue Shield

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

Committee Chair Buttars called the meeting to order at 4:07 p.m.

MOTION: Sen. McCoy moved to approve the minutes of the February 20, 2007 meeting.

The motion passed unanimously with Sen. Goodfellow and Sen Knudson absent for the vote.

1. S.B. 214 Certificate of Need for Certain Ambulance Services (D. Peterson)

The bill was not considered.

2. H.B. 133 Parent-time Amendments (L. Fowlke)

Rep. Fowlke explained the bill.

MOTION: Sen. McCoy moved to pass the bill out favorably.

The motion passed unanimously.

MOTION: Sen. McCoy moved to place the bill on the Consent Calendar.

The motion passed unanimously.

3. **H.B. 163S3 Options for Health Care** (*J. Dunnigan*)

Rep. Dunnigan asked the committee to adopt the following amendment to the bill:

1. *Page 11, Lines 316 through 322:*

316 (c) An insurer may offer policies that provide that when an insured receives services
317 from a health care provider not under contract, the insurer:
318 (i) will reimburse the insured in an amount or percentage specified in the contract,
319 however, that percentage may not be less than **;**
(A) 50% of the average amount paid by the insurer
320 for comparable services of preferred health care providers who are members of the same
class
321 of health care providers unless the illness or injury treated by the health care provider are
not
322 within the scope of the insurance contract; **and**
(B) 75% of the average amount paid by the insurer for the treatment of an
emergency medical condition as required under Section 31A-22-627;

MOTION: Sen. Knudson moved to adopt the amendment.

The motion passed unanimously.

Rep. Dunnigan explained the amended bill. He stated that the University of Utah Medical Center supports the bill.

Don Gorlitz, Utah Assn. of Health Underwriters, and Frank Pignanelli, Regence Blue Cross and Blue Shield, spoke in support of the bill.

Bryan Bird, Utah Ambulatory Surgery Center Assn., spoke against the bill.

MOTION: Sen. McCoy moved to table the bill.

The motion passed with Sen. Goodfellow voting in opposition and Sen. Knudson absent for the vote.

4. **H.B. 242S1 Medicaid False Claims Act Amendments** (*B. Last*)

Rep. Last asked the committee to adopt the following amendment to the bill:

1. Page 3, Lines 62 through 65:

62 the money or property.

63 [~~(2)~~] (3) "False statement" or "false representation" means a wholly or partially untrue
64 statement or representation which is :

65 (a) knowingly [~~and willfully~~] made [~~if the person making the~~
~~statement or representation has knowledge of the falsity thereof~~] ; and

(b) a material fact with respect to the claim .

2. Page 6, Lines 153 through 154:

153 (1) (a) Except as provided in Subsection (1)(b) the - {~~The~~} culpable
mental state required for a criminal violation of this chapter is

154 knowingly, intentionally, or recklessly as defined in Section 76-2-103. .

(b) The culpable mental state required for a criminal violation of this chapter for
kickbacks and bribes under Section 26-20-4 is knowingly and intentionally as defined
in Section 76-2-103.

MOTION: Sen. McCoy moved to adopt the amendment.

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

Rep. Last explained the amended bill.

MOTION: Sen. Christensen moved to pass the bill out favorably as amended.

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

Committee Chair Buttars adjourned the meeting at 4:30 p.m.

Minutes reported by Nedra Duzett, Secretary.

Sen. D. Chris Buttars, Committee Chair