

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES
STANDING COMMITTEE
FEBRUARY 5, 2008
ROOM W020, WEST OFFICE BUILDING, STATE CAPITOL COMPLEX**

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

Member Excused: Sen. Brent H. Goodfellow

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

Public Speakers Present: Dr. Wendell Gibby, M.D./CEO
Dr. Paul Winterton, M.D., Utah Medical Association
Gayle Ruzicka, Utah Eagle Forum
Dr. Stephen Lamb, M.D., Salt Lake County Medical Society
Brian Berg, Utah Amulatory Surgery Center Association
David Gessell, UHA: Utah Hospitals and Health Systems
Association
Spencer Stokes, HCA MountainStar
Dr. Clark Ashby, M.D., Riverwood Surgery Center
Bryant Kohler, Molina Health Care
Kelly Atkinson, Utah Health Insurance Association
Craig McMillan, Utah Funeral Directors Association
Barry Nangle, Director, Health Data, Department of Health
Michelle McOmber, Utah Medical Association
F. David Stanley, Director, Division of Occupational and
Professional Licensing

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

Committee Chair Buttars called the meeting to order at 8:07 a.m.

1. S.B. 121 Access to Qualified Health Care Providers (D.C. Buttars)

Sen. Christensen assumed the Chair.

Sen. Buttars explained the bill.

The following spoke in support of the bill:

Dr. Wendell Gibby, M.D./CEO

Dr. Paul Winterton, M.D., Utah Medical Association
Gayle Ruzicka, Utah Eagle Forum
Brian Berg, Utah Ambulatory Surgery Centers Association
Dr. Stephen Lamb, M.D., Salt Lake County Medical Society

The following spoke in opposition to the bill:

David Gessell, UHA: Utah Hospitals and Health Systems Association
Kelly Atkinson, Utah Health Insurance Association

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

The motion passed unanimously.

2. **S.B. 74 Health Care Provider Access** (*D.C. Butters*)

Sen. Butters explained the bill.

The following spoke in support of the bill:

Dr. Wendell Gibby, M.D./CEO
Dr. Clark Ashby, M.D., Riverwood Surgery Center

The following spoke in opposition to the bill:

David Gessell, UHA: Utah Hospitals and Health Systems Association
Bryant Kohler, Molina Health Care
Spencer Stokes, HCA Mountain Star
Kelly Atkinson, Utah Health Insurance Association

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

The motion passed unanimously.

3. **S.B. 175 Death Certificate Procedure Amendments** (*J. Greiner*)

MOTION: Sen. McCoy moved to adopt the following amendment:

1. *Page 1, Line 27 through Page 2, Line 28:*

27 AMENDS:

28 26-2-13, as last amended by Laws of Utah 2007, Chapter 32

= **26-2-16, as last amended by Laws of Utah 2006, Chapter 56**

2. *Page 4, Line 107:*

107 (ii) identify the court and date of the order.

Section 2. Section 26-2-16 is amended to read:

26-2-16. Certificate of death -- Duties of a custodial funeral service director or agent -- Medical certification -- Records of funeral service director -- Information filed with local registrar -- Unlawful signing of certificate of death.

(1) The custodial funeral service director shall sign the certificate of death prior to any disposition of a dead body or dead fetus.

(2) The custodial funeral service director or an agent of the custodial funeral service director shall:

(a) obtain personal and statistical information regarding the decedent from the available persons best qualified to provide the information;

(b) present the certificate of death to the attending physician, if any, or to the medical examiner who shall certify the cause of death and other information required on the certificate of death;

(c) provide the address of the custodial funeral service director; **and**

(d) certify the date and place of burial {~~;~~**and**

~~(e) file the certificate of death with the state or local registrar } .~~

(3) A funeral service director, embalmer, or other person who removes from the place of death or transports or is in charge of final disposal of a dead body or dead fetus, shall keep a record identifying the dead body or dead fetus, and containing information pertaining to receipt, removal, and delivery of the dead body or dead fetus as prescribed by department rule.

(4) (a) Not later than the tenth day of each month, every licensed funeral service establishment shall send to the local registrar and the department a list of the information required in Subsection (3) for each casket furnished and for funerals performed when no casket was furnished, during the preceding month.

(b) The list described in Subsection (4)(a) shall be in the form prescribed by the state registrar.

(5) Any person who intentionally signs the portion of a certificate of death that is required to be signed by a funeral service director under Subsection (1) is guilty of a class B misdemeanor, unless the person:

(a) is a funeral service director; and

(b) is employed by a licensed funeral establishment.

Renumber remaining sections accordingly.

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

Sen. Greiner explained the amended bill.

Sen. Buttars assumed the chair.

Craig McMillan, Utah Funeral Directors Association, spoke in support of the bill.

Michelle McOmber, Utah Medical Association, spoke in opposition to the bill.

Barry Nangle, Health Data, Department of Health, raised concerns about the bill.

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

The motion passed unanimously.

4. S.B. 174 Dentist and Dental Hygienist Practice Act Amendments (P. Knudson)

Sen. Knudson explained the bill.

F. David Stanley, Director, Division of Occupational and Professional Licensing, spoke in support of the bill.

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

The motion passed unanimously.

5. S.B. 70 Emotional Support Animals (S. McCoy)

Sen. McCoy explained the bill.

MOTION: Sen. McCoy moved the following amendment:

1. Page 5, Line 127 through Page 6, Line 153:

- { ~~127~~ — ~~(4) "Veterinarian" means a person:~~
128 — ~~(a) licensed as a veterinarian in Utah under Title 58, Occupations and Professions; or~~
129 — ~~(b) licensed and in good standing as a veterinarian in another state. }~~
130 Section 5. Section **62A-5b-202** is enacted to read:
131 62A-5b-202. Documentation of emotional support animal.
132 ~~{(f)}~~ A mental health therapist may provide a person with a disability with
133 documentation that:
134 ~~{(a)}~~ (1) is signed by the mental health therapist;
135 ~~{(b)}~~ (2) is dated; and
136 ~~{(c)}~~ (3) certifies that in the opinion of the mental health therapist:
137 ~~{(i)}~~ (a) the person has a disability as defined in Section 62A-5b-102; and
138 ~~{(ii)}~~ (b) the person with the disability:
139 ~~{(A)}~~ (i) needs a particular type of emotional support animal; and
140 ~~{(B)}~~ (ii) needs the emotional support animal in a particular location
identified in Section
141 62A-5b-103, except for restaurants or hospitals.
{ ~~142~~ — ~~(2) (a) A veterinarian may provide a person with a disability with~~
documentation that:

- 143 ~~— (i) is signed by the veterinarian;~~
144 ~~— (ii) is dated; and~~
145 ~~— (iii) states that:~~
146 ~~— (A) the emotional support animal has received all recommended vaccinations;~~
~~and~~
147 ~~— (B) in the opinion of the veterinarian, the emotional support animal is socialized~~
~~or~~
148 ~~trained to behave appropriately in the particular locations in which the mental health~~
~~therapist~~
149 ~~has certified the emotional support animal is needed;~~
150 ~~— (b) A veterinarian who provides a statement under Subsection (2)(a) is not liable~~
~~for~~
151 ~~the actions of the animal that is the subject of the statement issued under Subsection~~
~~(2)(a).~~
152 ~~— (3) The documentation authorized by this section is valid for one year from the~~
~~date the~~
153 ~~document is signed. }~~

The motion passed unanimously.

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

The motion passed unanimously.

6. S.B. 93 Licensed Direct Entry Midwife Amendments (M. Dayton)

This bill was not considered.

7. H.B. 38 Education and Outreach Regarding Substances Harmful During Pregnancy (R. Menlove)

This bill was not considered.

Sen. adjourned the meeting at 9:55 a.m.

Minutes reported by Nedra Duzett, Secretary.

Sen. D. Chris Buttars, Committee Chair