

**MINUTES OF THE  
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE  
ROOM 25, HOUSE OFFICE BUILDING, STATE CAPITOL COMPLEX  
January 26, 2011**

MEMBERS PRESENT:      Rep. Paul Ray, Chair  
                                 Rep. Evan J. Vickers, Vice Chair  
                                 Rep. Rebecca Chavez-Houck  
                                 Rep. David Clark  
                                 Rep. Tim M. Cosgrove  
                                 Rep. Bradley M. Daw  
                                 Rep. Dean Sanpei

MEMBERS ABSENT:      Rep. Ronda Rudd Menlove  
                                 Rep. Christine F. Watkins

STAFF PRESENT:        Mark D. Andrews, Policy Analyst  
                                 Thomas R. Vaughn, Associate General Counsel  
                                 RuthAnne Frost, Associate General Counsel  
                                 Linda Black, House Secretary

**Note:**    A list of visitors and copy of handouts are filed with committee minutes.

Chair Ray called the meeting to order at 4:20 p.m.

Chair Ray relinquished the chair to Vice Chair Vickers.

**H.B. 204      Protection of Athletes with Head Injuries (Rep. P. Ray)**

MOTION:    Chair Ray moved to amend the bill as follows:

1.    *Page 1, Lines 22 through 25:*

22            ▶    prohibits a child described in the preceding paragraph from participating in a  
23    sporting event of the amateur sports organization until the child receives medical  
24    clearance from a qualified health care provider trained in the evaluation and  
          management of a  
25    concussion.

2.    *Page 3, Lines 59 through 65:*

59            (4) " ~~{Licensed}~~ Qualified health care provider" means ~~{:~~  
60    ~~—(a) a physician or surgeon licensed under:~~  
61    ~~—(i) Title 58, Chapter 67, Utah Medical Practice Act; or~~  
62    ~~—(ii) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;~~

- 63 ~~— (b) a physician assistant, licensed under Title 58, Chapter 70a, Physician~~  
~~Assistant Act;~~
- 64 **or**
- 65 ~~— (c) an athletic trainer, as defined in Section 58-40a-102.}~~ **a health care**  
**provider who:**  
**(a) is licensed under Title 58, Division of Occupational and Professional Licensing**  
**Act; and**  
**(b) may evaluate and manage a concussion within the health care provider's scope of**  
**practice.**

3. *Page 4, Lines 102 through 108:*

- 102 (2) prohibit the child described in Subsection (1) from participating in a sporting  
event
- 103 of the amateur sports organization until the child:
- 104 (a) is evaluated by a {~~licensed~~} **qualified** health care provider who is  
trained in the evaluation and
- 105 management of a concussion; and
- 106 (b) provides to the amateur sports organization {~~written clearance~~} **with a**  
**written statement** from the {~~licensed~~} **qualified**
- 107 health care provider described in Subsection (2)(a) {~~for the child~~} **stating that:**  
**(i) the qualified health care provider has, within three years before the day on which**  
**the written statement is made, successfully completed a continuing education course**  
**in the evaluation and management of a concussion; and**  
**(ii) the child is cleared** to resume participation in the
- 108 sporting event of the amateur sports organization.

The motion passed unanimously.

Chair Ray presented the bill to the committee.

Spoke in favor of the bill: Mr. Ron Roskos, Brain Injury Association of Utah  
Mr. Bart Thompson, Utah High School Activities Association

MOTION: Rep. Daw moved to pass H.B. 204 with a favorable recommendation. The motion passed unanimously.

**H.B. 198 Tobacco Related Penalty Amendments (*Rep. P. Ray*)**

Chair Ray presented the bill to the committee with the assistance of Commissioner Mark Johnson, Utah State Tax Commission.

MOTION: Rep. Clark moved to pass H.B. 198 with a favorable recommendation. The motion passed unanimously.

**H.B. 201 Tobacco Licensing Amendments (*Rep. P. Ray*)**

Chair Ray presented the bill to the committee with the assistance of Commissioner Mark Johnson, Utah State Tax Commission.

MOTION: Rep. Clark moved to pass H.B. 201 with a favorable recommendation. The motion passed unanimously.

Chair Ray resumed the chair.

**H.B. 18 Health Reform - Cost Containment (*Rep. B. Daw*)**

MOTION: Rep. Daw moved to adopt 1st Substitute H. B. 18. The motion passed unanimously.

Rep. Daw presented the bill to the committee.

Spoke to the bill: Ms. Christy Cushing, Utah Public Employees' Association

MOTION: Rep. Sanpei moved to pass 1st Substitute H.B.18 with a favorable recommendation. The motion passed unanimously.

**H.B. 64 Human Blood Procurement and Use (*Rep. S. Handy*)**

Rep. Handy presented the bill to the committee.

Spoke in favor of the bill: Ms. Karen Nielsen, ARUP Blood Services  
Ms. Julia Wulf, American Red Cross (handout)

Rep. Clark moved to pass H.B. 64 with a favorable recommendation. The motion passed unanimously.

**H.B. 216 Reunification Services Amendments (Rep. M. Newbold)**

MOTION: Vice Chair Vickers moved to amend H.B. 216 as follows:

1. *Page 1, Lines 12 through 18:*

12 This bill:

▶ defines terms:

13 ▶ creates a presumption that reunification services should not be provided to a  
birth

14 mother if the court finds, by clear and convincing evidence, that at the time of birth  
15 the child has fetal alcohol syndrome or fetal drug dependency, unless the mother

16 agrees to immediately enroll in, is currently enrolled in, or , after using the substance  
that resulted in fetal alcohol syndrome or fetal drug dependency, has successfully

17 completed, a treatment program approved by the {~~Division of Child and  
Family~~} Department of Human

18 Services; and

2. *Page 1, Lines 25 through 26:*

25 AMENDS:

26 62A-4a-205, as last amended by Laws of Utah 2009, Chapter 161

= 78A-6-301, as enacted by Laws of Utah 2008, Chapter 3 78A-6-301, as enacted  
by Laws of Utah 2008, Chapter 3

3. *Page 5, Line 147:*

147 (ii) the nature of the alleged abuse or neglect.

= Section 2. Section 78A-6-301 is amended to read:

**78A-6-301. Definitions.**

As used in this part:

(1) "Custody" means the custody of a minor in the Division of Child and Family  
Services as of the date of disposition.

= (2) "Fetal drug dependency" means that a child is born dependent on a  
controlled substance, as defined in Section 58-37-2, that was unlawfully used by the  
child's mother during pregnancy.

{~~(2)~~} (3) "Protective custody" means the shelter of a child by the Division  
of Child and Family Services from the time the child is removed from home until the  
earlier of:

(a) the shelter hearing; or

(b) the child's return home.

~~{(3)}~~ (4) "Temporary custody" means the custody of a child in the Division of Child and Family Services from the date of the shelter hearing until disposition.

**Renumber remaining sections accordingly.**

4. Page 6, Line 165:

165 Subsections ~~{(21) and}~~ (20) through (22).

5. Page 8, Line 238:

238 period described in ~~{Subsection}~~ [(2)(d)] ~~{(13)}~~ Subsections (11) through (14) does not interrupt the running of the period.

6. Page 10, Line 304 through Page 11, Line 307:

304 (k) with respect to a parent who is the child's birth mother, at the time of birth the  
child  
305 has fetal alcohol syndrome or fetal drug dependency, unless the mother agrees to  
immediately  
306 enroll in, is currently enrolled in, or , after using the substance that resulted in fetal  
alcohol syndrome or fetal drug dependency, has successfully completed, a program  
approved by the  
307 ~~{—division}~~ department , as follows:

7. Page 11, Line 337 through Page 12, Line 338:

337 (b) The time limits described in ~~[Subsection (2)]~~ Subsections ~~{(9), (10), (13), and~~  
~~(16)~~  
338 through (18)} (2) through (19) are not tolled by the parent's absence.

8. Page 12, Line 353:

353 limitations imposed in ~~[Subsection (2)]~~ Subsections ~~{(9), (10), (13), and (16) through~~  
~~(18)}~~ (2) through (19) .

The motion passed unanimously.

Rep. Newbold presented the bill to the committee.

Spoke to the bill: Mr. Richard Nance, Division of Substance Abuse, Utah County  
Mr. Tom Vaughn, Associate General Counsel

MOTION: Rep. Daw moved to pass H.B. 216, as amended, with a favorable recommendation. The motion passed with Rep. Chavez-Houck voting in opposition.

**H.B. 212 Charges by Health Providers for Medical Records (*Rep. F. Gibson*)**

MOTION: Rep. Cosgrove moved to adopt 1st Substitute H.B. 212. The motion passed unanimously with Rep. Daw absent for the vote.

Rep. Gibson presented the bill to the committee.

MOTION: Rep. Clark moved to pass 1st Substitute H.B. 212 with a favorable recommendation. The motion passed unanimously.

**H.B. 229 Mental Health Professional Practice Act (*Rep. K. Grover*)**

This bill was not considered.

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

Chair Ray adjourned the meeting at 5:30 p.m.

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Rep. Paul Ray, Chair