

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
Room 25, House Office Building
February 25, 2013**

MEMBERS PRESENT: Rep. Paul Ray, Chair
Rep. LaVar Christensen, Vice Chair
Rep. Stewart Barlow
Rep. Rebecca Chavez-Houck
Rep. Tim M. Cosgrove
Rep. Brian M. Greene
Rep. Michael S. Kennedy
Rep. Ronda Rudd Menlove
Rep. Edward H. Redd

STAFF PRESENT: Mr. Mark D. Andrews, Policy Analyst
Ms. Linda Black, House Secretary

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

Chair Ray called the meeting to order at 4:35 p.m.

MOTION: Rep. Cosgrove moved to approve the minutes of February 19, 2013, and the corrected minutes of February 21, 2013. The motion passed unanimously.

H.B. 315 **Office of Inspector General of Medicaid Services Amendments** (*Rep. J. Dunnigan*)

Rep. Dunnigan presented the bill to the committee.

MOTION: Rep. Greene moved to replace H.B. 315 with 1st Substitute H.B. 315, "Office of Inspector General of Medicaid Services Amendments". The motion passed unanimously.

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

1. *Page 5, Lines 122 through 125:*

122 (b) If there is a conflict between the Medicaid state plan, administrative rules,
123 Medicaid provider manuals, or a Medicaid information bulletin issued by the department,
 a
124 health care provider may rely on the policy interpretation included in a current
 {-Medicaid
125 provider manual or current-} Medicaid information bulletin that is available to the
 public.

The motion passed unanimously.

MOTION: Rep. Redd moved to further amend the bill as follows:

1. Page 5, Lines 129 through 134:

129 63J-4a-204. Selection and review of claims.

130 (1) (a) On an annual basis, the office shall select and review a representative sample
of

131 claims submitted for reimbursement under the state Medicaid program to determine
whether

132 fraud, waste, or abuse occurred.

133 (b) The office shall limit its review for waste and abuse under Subsection (1)(a) to 36
134 months prior to the date of the inception of the investigation **or 72 months if fraud is**
suspected .

The motion passed unanimously.

MOTION: Rep. Christensen moved to further amend the bill as follows:

1. Page 8, Line 232 through Page 9, Line 248:

232 Section 6. Section **63J-4a-501** is amended to read:

233 63J-4a-501. Duty to report potential Medicaid fraud to the office or fraud unit.

234 (1) ~~[A]~~ (a) Except as provided in Subsection (1)(b), a health care professional, a
235 provider, or a state or local government official or employee who becomes aware of fraud,
236 waste, or abuse shall report the fraud, waste, or abuse to the office or the fraud unit.

237 (b) (i) If a person described in Subsection (1)(a) reasonably believes that the waste is
a

238 mistake and is not intentional or knowing, the person may first report the waste to the
provider,

239 health care professional, or compliance officer for the provider or health care professional.

240 (ii) The person described in Subsection (1)(b) shall report the waste to the office or
the

241 fraud unit unless, within 30 days after the day on which the person reported the waste to
the

242 provider, health care professional, or compliance officer, the provider, health care
professional,

243 or compliance officer demonstrates to the person that the waste has been corrected.

244 (2) A person who makes a report under Subsection (1) may request that the person's

245 name not be released in connection with the investigation.
246 (3) If a request is made under Subsection (2), the person's identity may not be
released
247 to any person or entity other than the office, the fraud unit, or law enforcement, unless a
court
248 of competent jurisdiction orders that the person's identity be released.

(4) If fraud allegations are found to be untrue, the individual may recover reasonable attorneys fees and costs and the record may expunged;

Following committee discussion, Rep. Christensen withdrew the motion.

Spoke in favor of the bill:	Mr. Dave Gessell	Utah Hospital Association
	Mr Dave Davis	Utah Retail Merchants Association
		Utah Food Industry Association
	Ms. Michelle McOmber	Utah Medical Association

Spoke in opposition of the bill:	Mr. Lee Wyckoff	Office of the Inspector General
		(handout provided for the committee)

Spoke to the bill:	Mr. Frank Pignanelli	HMS
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MOTION: Rep. Christensen moved to pass the bill out favorably, as substituted and amended. The motion passed unanimously, with Rep. Greene absent for the vote.

H.B. 329 Medicaid Vision Amendments (*Rep. R. Menlove*)

Rep. Menlove presented the bill to the committee.

MOTION: Rep. Cosgrove moved to pass the bill out favorably. The motion passed unanimously, with Rep. Greene absent for the vote.

MOTION: Rep. Cosgrove moved to place H.B. 329 on the Consent Calendar. The motion passed unanimously, with Rep. Greene absent for the vote.

H.B. 120 Information on Pharmaceutical Products (*Rep. P. Ray*)

Rep. Ray presented the bill to the committee.

MOTION: Rep. Ray moved to replace H.B. 120 with 1st Substitute 120, "Information On Pharmaceutical Products". The motion passed unanimously, with Rep. Greene

absent for the vote.

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

1. *Page 2, Lines 37 through 39:*

37 (B) employed by someone other than a pharmaceutical manufacturer :
(I) for the purpose of countering information provided in commercial detailing;
and
(II) to disseminate
38 educational information about prescription drugs to other health care providers {across
a broad
39 range of interventions} in an effort to better align clinical practice with scientific
research; and

2. *Page 2, Lines 43 through 45:*

43 higher education or through a medical residency program; {or}
44 (B) is disseminating educational information about a prescription drug to a patient or
a
45 patient's representative ; or
(C) is acting within the scope of practice for the health care provider regarding
the prescribing or dispensing of a prescription drug .

3. *Page 2, Line 56:*

56 (i) {labeling and} false and misleading advertising in 21 C.F.R., Part 201
(2007);

4. *Page 3, Line 61:*

61 against {the person who violated this section} a person engaged in academic
detailing, if:
(i) the actions of the person engaged in academic detailing, that are a violation of
this section, are:
(A) the result of gross negligence by the person; or
(B) willful and wanton behavior by the person; and
(ii) the damages to the person are proximately caused by the violations of this
section.

The motion passed unanimously, with Rep. Greene absent for the vote.

MOTION: Rep. Ray moved to hold the bill. The motion passed unanimously, with Rep. Greene absent for the vote.

MOTION: Rep. Cosgrove moved to adjourn the meeting. The motion passed unanimously, with Rep. Greene absent for the vote.

Chair Ray adjourned the meeting at 6:23 p.m.

Rep. Paul Ray, Chair