

**MINUTES OF THE  
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE  
Room 25, House Office Building  
February 27, 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 2:15 p.m.

**MOTION:** Rep. Kennedy moved to approve the minutes of the February 25, 2013 meeting. The motion passed unanimously, with Rep. Barlow and Rep. Greene absent for the vote.

**H.B. 141**      **Medicaid Emergency Room and Primary Care Amendments** *(Rep. M. Kennedy)*

Rep. Kennedy presented the bill to the committee.

**MOTION:** Rep. Kennedy moved to amend the bill as follows:

1. *Page 2, Lines 56 through 58:*

56            (A) means use of the emergency room to receive health care that is nonemergent as  
57            defined by the department by administrative rule adopted in accordance with Title 63G,  
58            Chapter 3, Utah Administrative Rulemaking Act **and the Emergency Medical**  
**Treatment and Active Labor Act** ; and

2. *Page 3, Line 67:*

67            services provided to a recipient on or after {~~January~~} **July** 1, 2014.

3. *Page 3, Line 72:*

72            Subsections (2)(a) and (b) is limited to {~~five~~} **three** years after the date on which  
the medical services

4. Page 3, Lines 74 through 76:

- 74 (3) An accountable care organization shall **∴**  
**(a)** use the savings under Subsection (2) to  
75 maintain and improve access to primary care and urgent care services for all of the  
recipients  
76 enrolled in the accountable care plan **∴ and**  
**(b) report to the department on how the accountable care organization complied**  
**with Subsection (3)(a)** .

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

Spoke to the bill: Mr. Jason Cooke Utah Health Policy Project (handout)

Spoke in favor  
of the bill: Mr. Chad Westover Molina Healthcare of Utah  
Ms. Michelle McOmber Utah Medical Association

**MOTION:** Rep. Cosgrove moved to pass the bill out favorably, as amended.

**SUBSTITUTE**

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

1. Page 4, Lines 96 through 103:

- 96 (5) The department shall apply for a Medicaid waiver and a Children's Health  
97 Insurance Program waiver with the Centers for Medicare and Medicaid Services within the  
98 United States Department of Health and Human Services, to:  
99 (a) allow the program to charge recipients who are enrolled in an accountable care  
plan  
100 a higher copayment for emergency room services; and  
101 (b) develop, by administrative rule, an algorithm to determine assignment of new,  
102 unassigned recipients to specific accountable care plans based on the plan's performance  
in  
103 relation to the quality measures developed pursuant to Subsection (4)(a).  
**(6) The department shall report to the Legislature's Health and Human Services**  
**Interim Committee on or before October 1, 2016, regarding implementation of this**  
**section.**

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

**MOTION:** Rep. Redd moved to pass the bill out favorably, as amended. The motion passed unanimously, with Rep. Barlow and Rep. Greene absent for the vote.

**H.B. 351 Continuing Education for Massage Therapists** (*Rep. P. Ray*)

Rep. Ray presented the bill to the committee.

Spoke to the bill: Ms. Ellen Ketcham, massage therapist  
Mr. Travis Wood, Massage Therapy Association of Utah  
Mr. Richard Maher, massage therapist  
Ms. Kelley Sloan, massage therapist

Spoke in opposition  
to the bill: Mr. Ron Findlay, massage therapist

**MOTION:** Rep. Menlove moved to return H.B. 351 to the Rules Committee for interim study. The motion passed unanimously, with Rep. Greene absent for the vote.

**H.B. 109 Anesthesiologist Assistant Amendments** (*Rep. B. Dee*)

Rep. Dee presented the bill to the committee.

**MOTION:** Rep. Chavez-Houck moved to amend the bill as follows:

1. *Page 1, Lines 18 through 19:*

- 18       ▶ establishes terms for the license; ~~{and}~~
- 19       ▶ defines unlawful and unprofessional conduct ~~{.}~~ **; and**  
**▶ requires the Division of Occupational and Professional Licensing to study and**  
**make a recommendation to the Legislature regarding certain patient consent and**  
**notice requirements.**

2. *Page 2, Line 36:*

36       58-70b-502, Utah Code Annotated 1953

**Uncodified Material Affected:**  
**ENACTS UNCODIFIED MATERIAL**

3. *Page 6, Line 166:*

166       (4) exploiting a client for personal advantage, profit, or interest.

= **Section 11. Division of Occupational and Professional Licensing Study.**  
= **The Division of Occupational and Professional Licensing shall consult the**

professional boards for health care providers licensed under Title 58, Division of Occupational and Professional Licensing Act whose scope of practice includes the administration of anesthesia to a patient, to study and make a recommendation to the Legislature's Health and Human Services Interim Committee on or before November 15, 2013:

- (1) that identify anesthesia procedures that:
  - (a) may be performed by multiple licensees under this title; and
  - (b) involve significant risk to a patient; and
- (2) recommend whether a patient should:
  - (a) be informed of the level of training of, or the type of license held by the provider who will perform the procedure; and
  - (b) be required to consent to the type of provider who will perform the procedure.

**SUBSTITUTE**

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

1. *Page 1, Lines 18 through 19:*

- 18       ▶ establishes terms for the license; ~~{and}~~
- 19       ▶ defines unlawful and unprofessional conduct ~~{.~~ ; and  
      ▶ requires the Division of Occupational and Professional Licensing to study and make a recommendation to the Legislature regarding certain patient consent and notice requirements.

2. *Page 2, Line 36:*

36       58-70b-502, Utah Code Annotated 1953

Uncodified Material Affected:  
ENACTS UNCODIFIED MATERIAL

3. *Page 6, Line 166:*

- 166       (4) exploiting a client for personal advantage, profit, or interest.
- =       Section 11. Division of Occupational and Professional Licensing Study.
- =       The Division of Occupational and Professional Licensing shall consult the professional boards for health care providers licensed under Title 58, Division of Occupational and Professional Licensing Act whose scope of practice includes the administration of anesthesia to a patient, to study and make a recommendation to the Legislature's Health and Human Services Interim Committee on or before November

**15, 2013:**

- (1) that identify anesthesia procedures that:**  
**(a) may be performed by licensees under this title; and**  
**(b) involve significant risk to a patient; and**  
**(2) recommend whether a patient and supervising surgeon should:**  
**(a) be informed of the level of training of, or the type of license held by the provider who will perform the procedure; and**  
**(b) be required to consent to the type of provider who will perform the procedure.**

Rep. Christensen withdrew the substitute motion.

The original motion to amend failed, with Rep. Christensen, Rep. Greene, Rep. Menlove, Rep. Redd, and Chair Ray voting in opposition.

**MOTION:** Rep. Menlove moved to amend the bill as follows:

1. *Page 1, Lines 18 through 19:*

- 18       ▶ establishes terms for the license; ~~{and}~~  
19       ▶ defines unlawful and unprofessional conduct ~~{.}~~ **; and**  
          ▶ **requires the Division of Occupational and Professional Licensing to study and make a recommendation to the Legislature regarding certain patient consent and notice requirements.**

2. *Page 2, Line 36:*

36       58-70b-502, Utah Code Annotated 1953

**Uncodified Material Affected:**  
**ENACTS UNCODIFIED MATERIAL**

3. *Page 6, Line 166:*

- 166       (4) exploiting a client for personal advantage, profit, or interest.  
      = **Section 11. Division of Occupational and Professional Licensing Study.**  
      = **The Division of Occupational and Professional Licensing, in partnership with the Health and Human Services Interim Committee, shall consult the professional boards for health care providers licensed under Title 58, Division of Occupational and Professional Licensing Act whose scope of practice includes the administration of anesthesia to a patient, to study and make a recommendation to the Legislature's Health and Human Services Interim Committee on or before November 15, 2013:**

- (1) that identify anesthesia procedures that:
  - (a) may be performed by multiple licensees under this title; and
  - (b) involve significant risk to a patient; and
- (2) recommend whether a patient should:
  - (a) be informed of the level of training of, or the type of license held by the provider who will perform the procedure; and
  - (b) be required to consent to the type of provider who will perform the procedure.

The motion failed, with Rep. Barlow, Rep. Christensen, Rep. Greene, Rep. Redd, and Chair Ray voting in opposition.

**MOTION:** Rep. Cosgrove moved to adjourn the meeting. The motion passed, with Rep. Barlow, Rep. Greene, and Rep. Kennedy voting in opposition.

Chair Ray adjourned the meeting at 4:12 p.m.

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Rep. Paul Ray, Chair