



UTAH HEALTH POLICY PROJECT

Quality Health Care Coverage for All Utahns
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Health Bill Tracker: Special Post-Session 2010 Edition

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1=high interest 2=moderate interest 3= monitor Final Issue #7.0 (Week 7) 3/15/10

Congratulations! You made it through the grueling 2010 General Session! If you have not already done so, please take the time to thank the legislators starting with Sen. Allen Christensen who really likes black licorice and Sen. Pat Jones and her caucus for heavy lifting to restore the 2 Medicaid eligibility categories; also thank the House Ds and President Waddoups and Sen. Niederhauser for arranging ongoing funds for Medicaid physical therapy and occupational therapy. Here's to teamwork!

UHPP Priority Bills (<i>pro & con</i>)	Cost	Summary / Analysis	Status	Position (<i>pending board approval</i>)	Who
HB 294 Health System Reform Amendments (Speaker D. Clark)	FY2011 net costs \$125,000	This bill makes important improvements to state health reforms, though we remain concerned about additional amendments that favor insurance carriers. These include allowing them to continue charging higher premiums based on gender and expanding the age bands. The statewide risk adjuster provision, the most worthwhile feature in this round of reforms, is intact, though it took quite a beating in the Senate floor debate . See UHPP's brief . HB294 also allows year-round enrollment in the Exchange.	☞ Passed House & Senate. Returns to house for concurrence. Track HB294 Status	Support (1)	Judi
HB 39 Insurance Related Amendments (Rep. Dunnigan)		This bill modifies the Insurance Code and related provisions to make various amendments. This bill enumerates the conditions under which someone can qualify for an extension of COBRA benefits. It also makes the loss of Medicaid or CHIP eligibility by an individual or their dependents as a "qualifying event" under which an individual could enroll themselves or their dependents in an employer sponsored health benefit plan, if one was available. <i>At UHPP's urging, Rep. D amended this to extend mini-COBRA to 18 months to parallel the recently extended federal COBRA period. Though only 15 mos will be subsidized, this gives small & large group employees the same rights; if subsidy is extended further, we're ready. Recent amendments make the bill even stronger: Employees can stay on Mini-Cobra as long as they are eligible for the ARRA subsidy, even if beyond 12 months. It also allows ARRA eligibles who cancelled coverage due to losing the subsidy after 9 months, to be accepted for re-enrollment if they applied to re-enroll between 12-1-09 and 2-17-10 or within 30 days of when they are notified by the carrier.</i>	☞ Passed all the way thru w/our mini-COBRA extension intact. / Signed by Gov Track HB39 Status	Support (1)	Judi
HB 67 - Health System Amendments (Rep Wimmer, C.)	\$1-3 million, according to Rep. Wimmer, says \$ =worthwhile	Prohibits a state agency from implementing any provision of the federal health care reform without first reporting to the Legislature: whether the federal act compels the state to adopt the particular federal provision; consequences to state if state refuses to adopt the particular federal provision; and impact to the citizens if reform efforts are implemented or not implemented; requires state to opt out of federal reform when the state determines that opting out is in the best interest of the citizens of Utah. <i>Given the lack of clarity around federal health reform, or whether it will move forward at all, it is premature to tie the state's hands as we try to solve the most pressing problem facing Utah business and citizens.</i>	Passed House & Senate w/ Sen. Adams' amendment to not allow the state to implement any individual mandate (☹). Track HB67 Status	Oppose (1)	Judi
HB 87 – Medical Assistance Asset Test Amendments (Rep. Chavez-Houck)	\$20,000	Removes the Medicaid asset test for foster children, allowing them to save for college or other needs without losing health care coverage. <i>Legislation stuck in House Rules Committee. Removal of the asset test will be a study item during the interim.</i>	House/ 1 st reading (Introduced) Track HB87 Status	Support (1)	Lincoln

HB 111 --Small Group Health Insurance - Statewide Risk Adjustment (Rep. Biskupski)		Would combine the existing small group market with the defined contribution small group market that exists as part of the Utah Health Exchange and create one large risk pool for all small businesses.	Abandoned by Sponsor after main provisions were rolled into another bill. 📩	Support (1)	Judi
SB 44 —Health Amendments for Legal Immigrant Children (Sen. Robles) Substituted Bill	\$200,000?	This bill amends the Medical Assistance Act and the Utah Children's Health Insurance Act to provide Medicaid coverage and health insurance coverage to a legal immigrant child, regardless of the length of time that the child has been in the U.S. See our updated position paper . <i>This item will be studied over Interim as part of a larger study item on covering all kids.</i>	Failed on Senate Floor 13-14-2 SB44 Status	Support (1)	Judi
SB 249 Hospital Financial Assistance Transparency Act (Sen. Knudson)		This transparency bill would have made it easier for consumers and their families to avail themselves of hospital policies and procedures. Under the proposed bill, each hospital (private nonprofit and for-profit) must develop a written financial assistance policy that includes eligibility criteria, the basis for calculating patient charges; the application method for financial assistance with contact information; procedures to collect on unpaid bills, unless they already have separate billing and collections policies. The bill further requires measures to publicize the policy within the communities serves by the given hospital; <i>After a productive meeting with the Utah Hospital and Health Systems Association, in which they agreed to bring hospitals into voluntary compliance, we've decided to turn this bill into a resolution.</i>	Abandoned for this year.	Support (1)	Judi

Concurrent & Joint Resolutions					
HCR2 Concurrent Resolution on States' Rights (Rep. Fisher)		The substitute bill submitted by Rep. Julie Fisher lays out the legal argument for state sovereignty under the 10 th amendment. It also indicates Governor H's support for the legislation. There is no specific mention of health reform, however it is implied that since federal reform legislation will involve some type of mandate (probably that individuals carry health insurance) this bill would be Utah's "opt-out" option. See our brief: National Reforms on Solid Legal Grounds .	Passed House & Senate <i>Track</i> HCR2 Status	Oppose (1)	Judi
HCR 8 Concurrent Resolution on Federal Health Care Reform (Rep Clark, D.)		Will be heard in the Senate HHS committee on Monday, February 22 nd .. At this point, since the status of federal reform is still uncertain, let alone what requirements federal legislation will place on states, this and HCR2, HJR11 can be viewed simply as non-binding "message" bills. See our related brief: National Reforms on Solid Legal Grounds .	To Governor for signature <i>Track</i> HCR8 Status	Oppose (1)	Judi
HJR 11 Joint Resolution Regarding Federal Health Insurance Reform (Rep Morley, M.)		This joint resolution of the Legislature urges the United States Congress to refrain from passing certain federal health insurance reforms. See our related brief: National Reforms on Solid Legal Grounds .	House/ to Lieutenant Governor <i>Track</i> HJR11 Status	Oppose (1)	Judi
HJR 24 Joint Resolution on Equal Treatment by Government (Rep. Oda)		Proposes to amend the Utah Constitution to enact a provision prohibiting discrimination and preferential treatment by government entities (this list includes all higher education institutions, counties, cities, school districts, government agencies). If bill passes, the Lieut. Gov submits the proposed amendment to Utah voters in November. If it passes, the amendment goes into effect in January of 2011. <i>Outreach and recruitment programs for the disadvantaged are starting to work in Utah and would be hurt by this amendment. HJR 24 would have harmful implications for cultural/linguistic competency initiatives like provider concordance and efforts to improve the 'pipeline' of minority providers in Utah. It could also harm efforts to target hard-to-reach minority families in CHIP and Medicaid enrollment efforts. See</i>	Sent to House Rules 📩 <i>Track</i> HJR24 Status	Oppose (2)	Judi

		<i>our new brief here.</i>			
HJR 27 Authentic Charity Healthcare Joint Resolution (Rep. Newbold)		This joint resolution of the Legislature recognizes authentic charity care and urges community, citizen, and medical community support of authentic charity care throughout the state. <i>UHPP believes that everybody should have the same basic access to healthcare, regardless of economic status -- everybody should have some, effective level of coverage. This resolution essentially takes the opposite position, asserting that for some citizens, charity suffices. The concept of charity care has been around Utah for several years: there is no evidence that it works.</i>	Passed Senate & House Track HJR 27 Status	Oppose (2)	Judi
SCR 4 Dental Health Care Concurrent Resolution (Sen. Jones)		This concurrent resolution of the Legislature and the Governor expresses support for the efforts of the Regence Caring Foundation for Children to provide dental care to children from low income families who earn too much to qualify for public assistance.	Senate/ to Governor Track SCR4 Status	Support (1)	Lincoln
House Bills (numbered)	Cost	Summary / Analysis	Status	Position (pending board approval)	Who
HB 20 Amendments to Health Insurance Coverage in State Contracts (Rep. Dunnigan)	\$0	Senator G. Davis substituted a new version for this bill. Only contractors or subcontractors that work on design or construction for a state agency or a transit authority are subject to the requirements in HB20. This means all other contractors of products or services to the state will not need to comply.	Passed House & Senate Track HB20 Status	Neutral (2)	Judi
HB 22 Inmate Health Insurance Amendments (Rep. Ray)	Unknown	This bill requires that private insurance be the primary payer for an inmate if s/he has private insurance. The amendment would extend these provisions to inmates in county jail.	Passed House Law Enforcement and Criminal Justice Comm 6-1-4. Failed House 30-44-1. Track HB22 status	Support (2)	Judi
HB 25 Health Reform -Administrative Simplification (Rep. Newbold)	\$0	This bill will be heard by the Senate HHS committee on Monday, Feb 22 nd . This bill addresses consumer billing, payment reforms, coordination of benefits, standardization of health benefit cards, and streamlining payment and pre-authorization processes.	Passed House & Senate Track HB25 Status	Support (1)	Judi
HB 40 - Utah Life and Health Insurance Guaranty Association Amendments (Rep Dunnigan, J.)	\$0	The Business and Labor Interim Committee recommended this bill. This addresses the coverage and limitations under the act, modifies definition provisions and terminology; directs the commissioner to appoint public members to the board of directors; addresses provisions related to the powers and duties under the act; adds additional requirements for a plan of operation; modifies reporting requirements of the commissioner; modifies time frames under the act.	Passed House & Senate Track HB40 Status		Judi
HB 52 Health Reform - Uniform Electronic Standards - Insurance Information – (Newbold, M.)	\$0	This bill amends provisions related to the use of uniform electronic standards for health insurance claims processing, insurance eligibility, and coordination of benefits. Participation by vendors is voluntary at this point, due to budget constraints.	Passed House & Senate Track HB 52 Status	Support (3)	Judi
HB 66 Prosthetic Limb Health Insurance Parity (Rep. D. Litvack)	\$0	This bill was run the last 3 years. It requires accident and health insurers to cover prosthetics and associated services. The bill ensures that consumers who need prosthetics can purchase devices and services.	Passed Senate HHS 5-0-1. On Senate 2 nd Reading Calendar Track HB 66 Status	Support (3)	Judi

HB 71 3 rd Substitute Nicotine Product and Flavorless Tobacco Restrictions (Rep. Ray)		This bill amends provisions of the Uniform Driver License Act, provisions relating to the state system of public education, the Utah Criminal Code, and the Utah Code of Criminal Procedure to place restrictions on the provision, obtaining, and possession of a nicotine product and to enforce these restrictions.	Died on Senate floor without vote Track HB 71 Status	Support (3)	Lincoln
HB 110 County Jail Inmate Medical Costs (Rep. Daw)	\$0	This bill goes beyond simply requiring counties to coordinate benefits administration with any private insurance an inmate may have. It allows counties to collect from the inmate the balance of any medical bills outstanding. This puts too large of a burden on low-income individuals who may be in jail on misdemeanor charges but cannot afford bail. This person could potentially lose his/her job and health benefits plus be saddled with medical bills. Also there is nothing in this bill that provides insurance companies an "out" if government negligence results in a medical condition, for example toothpaste tainted with toxic chemicals purchased and distributed by the state to inmates results in an illness. Would an insurance company then be required to pick up the costs for treatment?	Passed House \$ Senate Track HB110 Status	Oppose (2)	Judi
HB 177 Public Employees' Health Care (Rep. Litvack, D.)		This bill extended health insurance benefits to "adult designees" of a public employee, as long as the employee can prove that s/he is in a "dependent" or "interdependent" relationship with the designee. This bill would open the door to insurance coverage for elderly parents, adult children and/or cohabitating partners.	Languished in House Rules. Track HB 177 Status	Support (2)	Judi
HB 184 Medicaid Autism Waiver (Rep. Ray, P.)		This bill requires the Department of Human Services to research possible Medicaid waivers to help expand services to people with autism.	Passed House & Senate Track HB 184 Status	Neutral	Lincoln
HB 196 Tobacco Tax Revisions (Rep. Ray)		This bill amends the Cigarette and Tobacco Tax Act by increasing the tax rates on the sale, use, storage, or distribution of tobacco products in the state for the 2010-11 fiscal year and allowing the rates to fluctuate in subsequent fiscal years.	Substitute Passed House & Senate Track HB196 Status	Support (1)	Lincoln
HB 206 Ban on Sale of Smoking Paraphernalia to Minors (Rep. Ray)		This bill amends Utah Criminal Code provisions related to access to tobacco products by a person under the age of 19. It defines tobacco paraphernalia; and makes it a misdemeanor to provide tobacco paraphernalia to a person < age 19.	Passed House & Senate Track HB206 Status	Support (3)	Lincoln
HB 215 Amendments to Public Employees' Benefit and Insurance Program Act - Risk Pools (Rep. Garn)	\$0	This bill amends the Public Employee's Benefit and Insurance Program Act risk pools. The bill raises the ceiling (from 12,000 to 18,000) on the number of full-time enrolled students an institution of higher education can have in order to participate in the state's risk pool. This means that all public colleges & universities in the state with the exception of the University of Utah are again below the threshold of enrollment and can continue to participate in the state's risk pool, if they so choose.	Passed House and Senate Track HB215 Status	Support (2)	Judi
HB 232 Medical Language Interpreter Amendments (Rep Chavez-Houck)		This bill further clarifies and specifies the Medical Language Interpreter Act: changes the voluntary license renewal cycle to 2 years; specifies grounds for denial of certification; provides clear definitions for violations; establishes a framework for the future formation of an advisory board. Given that advisory board has not yet been & will not be formed, an amendment (Rep. Riesen) changes the word "Board" to "Division."	Passed House & Senate Track HB232 Status	Support (2)	Judi
HB 253 Transfer of the Bureau of Emergency Medical Services from the Department of Health to the Department of Public Safety (Rep Ray)		This bill moves the Bureau of Emergency Medical Services from the Department of Health to the Department of Public Safety.	Died in House Rules Track HB253 Status	Neutral	Judi

HB 260 Children's Health Insurance Plan Simplified Renewal (Rep. Newbold)		This bill requires the Children's Health Insurance Plan to apply for grants to fund a simplified renewal process; if funding is available, requires the Children's Health Insurance Plan to establish a simplified renewal process in which the eligibility worker may, if the applicant provides consent, confirm the adjusted gross income of the applicant from the Utah State Tax Commission; and requires the Utah State Tax Commission to work with the Children's Health Insurance Program to provide the program with access to an applicant's adjusted gross income.	Passed House & Senate Track HB260 Status	Support (2)	Lincoln
HB 397 Medicaid Program Amendments (Rep Dougall)		This bill strengthens auditing of the health department, creates a Medical home demonstration project and explores ways to increase access to primary care. <i>UHPP supports with the caveat that we don't support expanding use of Health Opportunity Accounts</i>	Passed House and Senate Track HB 397 Status	Support (2)	Lincoln
HB 408 Hospital Claims Management (Rep Last)		This bill amends the Health Code to authorize a demonstration project administered by department.	Passed House 69-0-6. Sent to Senate Track HB 408 Status	Pending	Judi
HB 421 Medical Financial Records Amendments (Rep Last)		This bill modified the Utah Health Code to allow hospitals to obtain financial information of a patient from a bank or other financial institution when determining Medicaid eligibility of a patient.	Passed House 70-0-5. Sent to Senate Track HB 421 Status	Neutral	Judi
HB 454 Maternity Leave for School Employees (Rep Fisher, J.)		This bill enacts provisions relating to public school employee accrued leave.	Returned to House Rules Track HS 454 Status		
HB 459 Health Amendments (Rep Clark, D.)		This bill amends provisions related to transparency and health benefits in the Insurance Code and the Medicaid program. It would require more frequent internal auditing of the Medicaid program by the Department of Health in effort to reduce fraud within the program. In addition, the legislation requires health insurance companies to publish on the web information about their drug plans than included co-payments and deductibles for drugs and information about how a plan's formulary or generic substitution provisions work.	Passed House & Senate/ Sent to Governor Track HB 459 Status	Support (2)	Lincoln
Senate Bills (numbered)	Cost	Summary / Analysis	Status	Position (pending board approval)	Who
SB 39 Health Insurance Prior Authorization Amendments (Sen. Mayne)		Has been sent to the House HHS committee for a hearing. This bill amends the Accident and Health Insurance part of the Insurance Code. This bill requires an accident and health insurer to provide an enrollee with a statement of preauthorization for a medical procedure in certain circumstances; and clarifies that a statement of preauthorization is not a guarantee of payment by an insurer.	Passed House & Senate Track SB 39 Status	Neutral (3)	Judi
SB 41 Drug Utilization Review Board Amendments (Sen. Knudson) Substituted Bill	Saves \$472,800	Permits the Drug Utilization Review Board to consider costs, as well as other factors, when determining whether a drug should be placed on the prior approval program. <i>Bill should be amended to clarify that cost can only be considered when multiple drugs are found to be equally effective and safe.</i>	Passed House & Senate Track SB 41 Status	Support (3)	Lincoln
SB 49 Vending Machines in Public Schools (Sen. Jones)		This bill establishes standards for contents of vending machines in public schools.	Substituted/ Senate Rules Track SB 49 Status	Support (2)	Lincoln

SB 80 Physician Licensing - Visiting Professors (Sen. Knudson)		This bill amends the Utah Medical Practice Act and the Utah Osteopathic Medical Practice Act.	Senate/ 1 st reading (Introduced) Track SB 80 Status	Support (3)	Lincoln
SB 88 Pharmacy Practice Act Amendments (Sen. Bramble) Substituted Bill 5 th Substitute		This bill amends the Pharmacy Practice Act. This bill amends provisions related to exemptions from licensure; defines cosmetic drug; exempts prescribing practitioners from licensure under the Pharmacy Practice Act when a practitioner dispenses a cosmetic drug to the practitioner's patient; and requires certain drug labeling and record keeping standards for the dispensing practitioner.	Passed House & Senate Track SB 88 Status	Neutral (3)	Wendy
SB 101 Drug Amendments (Sen. Knudson)		Prohibits an insurer from requiring a cancer patient to pay more for chemotherapy treatment that is administered orally rather than intravenously.	Senate/ to Printing with fiscal note Track SB101 Status	Support (3)	Judi
SB 139 Physician Assistant Amendments (Sen. Bramble)		This bill modifies provisions in the Utah Code relating to physician assistants: changes membership requirements for the P.A. Licensing Board; updates the names of the national accrediting boards; permits supervising physician to temporarily delegate to a licensed physician assistant; extends a temporary license up to 120 days to physician assistant students to pass the national exam.	Passed House & Senate Track SB139 Status	Neutral (3)	Judi
SB 145 Substitute Medical Malpractice Amendments (Sen. Adams)		This bill amends the Utah Health Care Malpractice Act by amending Utah's medical malpractice statute by making it more difficult for children to bring suit for malpractice, reducing "pain and suffering" caps from \$450,000 to \$350, removing the automatic increase in the cap for inflation.	Passed House & Senate Track SB 145 Status	Neutral (2)	Lincoln
SB 160 Utah State Developmental Center Amendments (Sen. Dayton, M.)		This bill gives families the choice to enroll a family member with a disability in a ICF/MR or use community-based services. <i>Currently, the director of the Utah State Development Center has discretion whether to admit someone into an ICF/MR. Because ICF/MR's are over twice as expensive as delivering care through home and community based services, this change could lead to fewer people with disabilities being served.</i>	Passed house and senate Track SB 160 Status	Oppose (3)	Lincoln
SB 168 Amendments to the Integrated Health Systems Fair Practices Act (Sen. Madsen, M.)		No Bill Text Yet Available—investigating (could be an anti-Intermountain bill)	Bill Numbered by Title without any Substance; Track SB 168 Status		Judi
SB213 Division of Services for People w/Disabilities Advisory Council (Sen. Christensen)		Creates advisory council comprised of consumer served by the state's different waiver programs (Community Supports, Acquired Brain Injury Waiver, Physical Disabilities Waiver, Home & Community Services) and their caregivers. The Council can make recommendations on budget matters, rules and policies, administration, operation of the State Developmental Center.	Failed in House Gov & Operations Cmt 4-4-2 Track SB213 Status	Support (2)	Judi
SB 229 Hospital Licensing Amendments-Emergency Medical Treatment and Active Labor Act (Sen. Buttars, D.C.)		No bill text available.	Bill numbered by title without substance Track SB229 Status		
SB 230 Pharmaceutical Marketing to Consumers Amendment (Sen. Liljenquist, D.)		This bill amends provisions related to health and accident policies in the Insurance Code.	Senate Rules Track SB 230 Status		Judi

SB 238 Long-Term Care Facility - Medicaid Certification for Bed Capacity Amendments (Sen. Robles, L.)		Amends provisions for Medicaid certification of nursing care facility, making it easier for nursing care facilities to transfer certified beds from one institution to another.	Passed Senate, failed in House Track SB 238 Status		Lincoln
SB 241 Health Code Amendments (Sen. Christensen, A.)		Strengthens the Preferred Drug List by allowing mental health drugs to be placed on the prior approval program. <i>The Medicaid PDL mental health drug exception is too broad. How to narrow the exception to include only mental health drugs should be studied over the interim.</i>	Senate Rules Track SB 241 Status	Support (3)	Lincoln
SB 273 Hospital Assessments (Sen. Hillyard, L.)	See fiscal note.	This bill enacts the Hospital Provider Assessment Act in the health code.	Passed House and Senate Track SB 273 Status	(Support (3))	Lincoln
SB 274 On-line Pharmacy Amendments (Sen. Bramble, C.) Substituted Bill		This bill creates a Limited Online Prescribing, Fulfillment, and Facilitation Licensing Act.	Passed House & Senate Track SB274 Status	Support (3)	Lincoln
SJR16 Health Care Facility Disclosure Joint Resolution (Sen. Knudson)		This resolution urges health care facilities to adopt, implement, publish, and inform patients of certain policies; also urges the Department of Health to publish a list of procedures for which healthcare facilities most frequently bill patients. <i>This resolution originated in our shop, but then we pulled it when the hospitals agreed to make the same changes happen voluntarily over the next year. We're not sure how or why, but then the resolution took on a life of its own!</i>	Passed House & Senate Track SJR16 Status .		