



UTAH HEALTH POLICY PROJECT

Quality Health Care Coverage for All Utahns

(801) 433-2299

www.healthpolicyproject.org

Health Bill Tracker for 2010 General Session

Contact: UHPP, judi@healthpolicyproject.org

1=high interest 2=moderate interest 3= monitor Issue #4.0 (Week 4) 2/16/10

Welcome to Week 4 of the General Session! This and future editions include bills (or titles) pertaining to health reform, the insurance market, and access to affordable health care and coverage. PLEASE NOTE: Given Utah's budgetary shortfalls, we will focus our energies on defending Medicaid, CHIP, and other critical health and human services. *If there is a bill that you would like us to weigh in on, please contact judi@healthpolicyproject.org.*

UHPP Priority Bills (pro & con)	Cost	Summary / Analysis	Status	Position (pending board approval)	Who
HB 294 Health System Reform Amendments (Speaker D. Clark)	FY2011 net costs \$125,000	Bill (and amendments by Speaker Clark) presented on Friday to committee. Provisions still don't address consumer affordability issues directly. UHPP is submitting amendments for stronger community rating, the publication of medical loss ratios by insurance plan/product and to request a study focused on consumer affordability.	House/ 2 nd reading Track HB294 Status	Position pending amendments(1)	Janice
HB 67 - Health System Amendments (Rep Wimmer, C.)	\$0	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 Senate HHS. Track HB67 Status	Oppose (1)	Lincoln
HB 87 – Medical Assistance Asset Test Amendments (Rep. Chavez-Houck)	\$20,000	Would remove the asset test for Medicaid for foster children. This will allow foster children to save for college or other needs without losing their health care coverage.	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.	This bill was abandoned by the Sponsor—Rep. Jackie Biskupski after the main provisions were rolled into HB294	Support (1)	Janice
SB 44 —Health Amendments for Legal Immigrant Children (Sen. Robles) Substituted Bill	\$190,000	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.	Failed in Sen. HHS Committee on tie.Will revive 1 more time. SB44 Status	Support (1)	Judi

PLEASE NOTE: Our positions on the various bills are tentative, pending further research and approval/refinement by UHPP's Board of Trustees.

For fact sheets and position papers on UHPP priority bills, visit www.healthpolicyproject.org

To obtain more information on bills and appropriations or to watch live coverage of floor debates and committee hearings, go to www.le.utah.gov

HB 39 Insurance Related Amendments (Rep. Dunnigan)		<p>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.</p> <p><i>At UHPP’s urging, Rep. D just amended this to extend mini-COBRA to 18 months to parallel the recently extended federal COBRA period. Though only 15 months will be subsidized currently, this gives small and large group employees the same rights and then if the subsidy is extended for more months, we’re ready.</i></p>	House/ to Senate Track HB39 Status	Support (1)	Judi
SB 249 Hospital Financial Assistance Transparency Act (Sen. Knudson)	?	<p>This transparency bill would make 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 served by the given hospital; have a separate policy that states their obligation to provide emergency services, regardless of an individual’s qualification for financial assistance; requires hospitals to publicly report information on:</p> <ul style="list-style-type: none"> · What they charge for the most common inpatient and outpatient procedures · What Medicare and Medicaid reimburse for those services · Information on the hospital’s financial assistance policy. Hospitals must inform patients that this information is available. At a minimum, hospitals must publish this information online 	Bill Numbered by Title Without any Substance; Legislative Research & General Counsel Track SB 249 Status	Support (1)	Judi

Concurrent & Joint Resolutions					
HCR 8 Concurrent Resolution on Federal Health Care Reform (Rep Clark, D.)		The discussion in Committee on Friday was focused on the burdens federal regulations already place on state-level health reform efforts. 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 .	Passed House HHS Comm 6-0-1 Track HCR8 Status	Oppose (1)	Janice
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/ 2 nd reading. Passed House Business and Labor Comm 8-4-2. Track HJR11 Status	Oppose (1)	Janice

HCR2 Concurrent Resolution on States' Rights (Rep. Fisher)		The substitute bill submitted by Rep. Julie Fisher focuses on laying out the legal argument for state sovereignty under the 10 th amendment to the Constitution. It also indicates Governor Herbert'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 .	House/ to Printing with fiscal note Track HCR2 Status	Oppose (1)	Janice
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.	House/ to standing committee Track SCR4 Status	Support (1)	Lincoln
HJR 134 Hospital Claims Management (Rep Last, B.)		This joint resolution of the Legislature and the Governor has no substance yet. <i>Under investigation.</i>	LFA/ bill sent to agencies for fiscal input Track HJR 34	Pending	Judi
HJR 27 Authentic Charity Healthcare Joint Resolution (Rep Newbold, M.)		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>	House/ to standing committee Track HJR 27 Status	Oppose (2)	Judi
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	This bill clarifies the one passed in the 2009 Session. There are still some areas that need further clarification and tightening. The re-writing of the basic benefit plan in this version may actually provide an incentive to workers earning under \$45K a year to opt-out of employer based coverage for their families and enroll their dependent children in the CHIP program. The Sponsor amended the original legislation to allow underwriters working on the policies to verify to the state that it meets the minimum criterion to qualify under this legislation.	House/ to printing with fiscal note Track HB20 Status	Neutral (2)	Janice
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.	House/ filed. Passed House Law Enforcement and Criminal Justice Comm 6-1-4. Failed House 30-44-1. Track HB22 status	Support (2)	Janice
HB 25 Health Reform -Administrative Simplification (Rep. Newbold)	\$0	This bill addresses consumer billing, payment reforms, coordination of benefits, standardization of health benefit cards, and streamlining payment and pre-authorization processes.	House/ 2 nd reading Track HB25 Status	Support (1)	Janice

HB 40 - Utah Life and Health Insurance Guaranty Association Amendments (Rep Dunnigan, J.)	\$0	The Business and Labor Interim Committee recommended this bill. This bill: 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, and makes technical and conforming amendments.	Draft of Enrolled Bill Prepared Track HB40 Status		Janice
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.	House/ 2 nd reading Track HB 52 Status	Support (3)	Janice
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 necessary devices and services.	House/ to standing House Business and Labor Committee Track HB 66 Status	Support (3)	Janice
HB 71 Nicotine Product and Flavorless Tobacco Restrictions (Ray, P)		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.	Senate/ to standing committee 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?	Senate Government Operations and Political Subdivisions Committee - Favorable Recommendation 3-0-3 Track HB110 Status	Oppose (2)	Janice
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.	House/ 2 nd reading 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 under the age of 19.	Senate/ 2 nd reading 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.	House/ to Senate Track HB215 Status	Support (2)	Janice
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."	Senate/ to standing committee Track HB232 Status	Support (2)	Judi
HB 253 Transfer of the Bureau of 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.	House/ to standing House Government Operations Committee Track HB253 Status	Neutral	Judi
HB 260 Children's Health Insurance Plan Simplified Renewal (Rep Newbold, M.)		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.	House Business and Labor Committee – Favorable Recommendation 13-0-1 House/ 2 nd reading Track HB260 Status	Support (2)	Lincoln
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.	House/ to Printing with fiscal note Track HB 177 Status	Support (2)	Janice
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.	House Health and Human Services Committee – Favorable Rec. 6-0-1 House/ 2 nd reading Track HB 184 Status	Neutral	Lincoln
HB 311 Autism Treatment Fund (Rep Lochkhart, R.)		This bill creates a restricted special revenue fund at the Department of Health for the receipt and expenditure of certain gifts, donations, and appropriations to be used for providing services relating to autism.	House/ first reading (Introduced) Track HB 311 Status	Pending	
HB 356 Emergency Medical Services Ammendments (Rep Ray, P.)		No Bill Text Yet Available	Bill Numbered by Title Without any Substance; Legislative Research & General Counsel	Pending	

			Track HB 356 Status		
HB 397 Medicaid Program Amendments (Rep Dougall, J.)		No Bill Text Yet Available. <i>Under full investigation.</i>	Bill Numbered by Title without any Substance; Legislative Research & General Counsel Track HB 397 Status	Pending	Lincoln
Senate Bills (numbered)	Cost	Summary / Analysis	Status	Position (pending board approval)	Who
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>	Senate/ passed 3 rd reading 25-0-4 House/1 st reading (Introduced) Track SB 41 Status	Support (3)	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 (Bramble, C.) Substituted Bill		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.	Senate/ passed 3 rd reading 27-0-2 House/ 1 st reading (Introduced) 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)	Janice
SB 39 Health Insurance Prior Authorization Amendments (Sen. Mayne)		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.	Human Services Committee-Favorable Rec. 3-1-2 Senate/ circled Track SB 39 Status	Neutral (3)	Janice
SB 49 Vending Machines in Public Schools (Sen. Jones, P.)		This bill establishes standards for the contents of vending machines in public schools.	Senate Education Committee-Substitute Recommendation Track SB 49 Status	Support (2)	Lincoln
SB 139 Physician Assistant Amendments (Sen. Bramble, C.)		This bill modifies provisions in the Utah Code relating to physician assistants.	Senate Business and Labor Committee – Favorable Rec. 4-0-3 Senate/ placed on 2 nd reading calendar Track SB139 Status	Pending	Judi

SB 145 Medicaid Malpractice Amendments (Sen. Adams, J.S.)		This bill amends the Utah Health Care Malpractice Act by amending Utah's medical malpractice statute by reducing "pain and suffering" caps from \$480,000 to \$250,000, removing the automatic increase in the cap for inflation, and limiting the percentage of an award that can be paid as attorney fees. <i>This could harm a patients' ability to be compensated for legitimate claims of medical malpractice.</i>	Senate/ to standing Senate Natural Resources, Agriculture and Environment Committee Track SB 145 Status	Neutral (1)	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. Currently, the director of the Utah State Development Center has discretion was 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.	Senate Health and Human Services Committee – Favorable Rec. 4-1-1 Senate/ to Printing with fiscal note 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	Bill Numbered by Title without any Substance; Track SB 168 Status		
SB 229 Hospital Licensing Amendments-Emergency Medical Treatment and Active Labor Act (Sen. Buttars, D.C.)		No Bill Text Yet Available	Bill Numbered by Title without any Substance Track SB229 Status		
SB 230 Pharmaceutical Marketing to Consumers Amendment (Sen. Liljenquist, D.)		No Bill Text Yet Available	Bill Numbered by Title Without any Substance; Legislative Research & General Counsel Track SB 230 Status		
SB 238 Long-Term Care Facility - Medicaid Certification for Bed Capacity Amendments (Sen. Robles, L.)		No Bill Text Yet Available	Bill Numbered by Title Without any Substance; Legislative Research & General Counsel Track SB 238 Status		Lincoln
SB 241 Health Code Amendments (Sen. Christensen, A.)		No Bill Text Yet Available	Bill Numbered by Title without any Substance; Track SB 241 Status		
SB 245 Anesthesiologist Assistants Amendments (Sen. Lilenquist, D.)		No Bill Text Yet Available	Bill Numbered by Title Without any Substance; Legislative Research & General Counsel Track SB 245 Status		
SB 206 Access to Crime Victim's Mental Health Records (Sen. Greiner, J.)		No Bill Text Yet Available	Bill Numbered by Title Without any Substance; Legislative Research & General		

			Counsel Track SB 206 Status		
Senate Bills (Not yet numbered)	Cost	Summary / Analysis	Status	Position (<i>pending board approval</i>)	Who
SB 273 Hospital Assessments (Sen. Hillyard, L.)		This bill enacts the Hospital Provider Assessment Act in the health code.	Senate/ 1st reading (introduced); Senate Rules Committee Track SB 273 Status		Lincoln
SB 274 On-line Pharmacy Amendments (Sen. Bramble, C.)		This bill creates a Limited Online Prescribing, Fulfillment, and Facilitation Licensing Act.	Senate/ 1st reading (introduced); Senate Rules Committee Track SB274 Status		
County Health Department Amendments (Madsen, M.)	\$0	Under investigation			Janice