



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, jessica@healthpolicyproject.org

1=high interest 2=moderate interest 3= monitor Issue #5.0 (Week 5) 2/22/10

Welcome to Week 5 of the General Session! This edition includes bills pertaining to reform, insurance, and access to affordable health care. PLEASE NOTE: Given Utah's budgetary shortfalls, we will focus our energies on defending Medicaid, CHIP, and related 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	There have been additional amendments that favor insurance carriers. These include allowing them to calculate premiums on gender and expanding the age bands. UHPP is working to amend these provisions back out of the bill while strengthening transparency with a <i>medical loss ratio</i> amendment. The statewide risk adjuster provision, the most worthwhile feature in this round of reforms, may be vulnerable. UHPP has written a brief to dispel some of the myths around the risk adjuster. Click here to read our new brief.	Passed Senate Health and Human Services Committee 5-0-1 Track HB294 Status	Support w/amendments (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 Senate HHS. Track HB67 Status	Oppose (1)	Lincoln
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.</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.	Failed in Sen. HHS Committee on tie. Will revive 1 more time. SB44 Status	Support (1)	Judi

<p>HB 39 Insurance Related Amendments (Rep. Dunnigan)</p>		<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. <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 mos will be subsidized, this gives small & large group employees the same rights; if subsidy is extended further, we’re ready.</i></p>	<p>Passed all the way thru w/our mini-COBRA extension intact. Track HB39 Status</p>	<p>Support (1)</p>	<p>Judi</p>
<p>SB 249 Hospital Financial Assistance Transparency Act (Sen. Knudson)</p>	<p>?</p>	<p>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></p>	<p>Abandoned for this year. Track SB 249 Status</p>	<p>Support (1)</p>	<p>Judi</p>

Concurrent & Joint Resolutions					
<p>HCR2 Concurrent Resolution on States' Rights (Rep. Fisher)</p>		<p>The substitute bill submitted by Rep. Julie Fisher lays out the legal argument for state sovereignty under the 10th 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.</p>	<p>Passed House/ to Senate Track HCR2 Status</p>	<p>Oppose (1)</p>	<p>Judi</p>
<p>HCR 8 Concurrent Resolution on Federal Health Care Reform (Rep Clark, D.)</p>		<p>Will be heard in the Senate HHS committee on Monday, February 22nd.. 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.</p>	<p>Passed Senate Health & Human Services w/ favorable rec: 5-0-1 Track HCR8 Status</p>	<p>Oppose (1)</p>	<p>Judi</p>
<p>HJR 11 Joint Resolution Regarding Federal Health Insurance Reform (Rep Morley, M.)</p>		<p>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.</p>	<p>House/ 2nd reading. Passed House Business and Labor Comm 8-4-2. Track HJR11 Status</p>	<p>Oppose (1)</p>	<p>Judi</p>
<p>HJR 24 Joint Resolution on Equal Treatment by Government (Rep. Oda)</p>		<p>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</i></p>	<p>Passed House Committee. Circled on House calendar.</p>	<p>Oppose (2)</p>	<p>Judi</p>

		<i>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 helpful article by the NAACP's Jeanetta Williams.</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>	House/ Consent Calendar 2 nd Reading 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.	House/ Consent Calendar, 2 nd Reading 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.	House/ to 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 Senate Health & Human Services w/ favorable rec: 6-0-0 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.	Draft of Enrolled Bill Prepared 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 Senate Health & Human Services 6-0-0 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 Committee on 2/16. On 3rd reading calendar. Track HB 66 Status	Support (3)	Judi

HB 71 <i>Nicotine Product and Flavorless Tobacco Restrictions</i> (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/2 nd Reading Calendar 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 both houses and will be enrolled. 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.	Currently stuck in the House Rules Committee. 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 Senate Health & Human Services Committee 5-0-1'placed on Senate Consent calendar 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.	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.	Passed out of the House, currently in Senate Rules. 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 Senate HHS Standing 5-0/ Senate 2 nd Reading Calendar 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.	House/ to standing House Government Operations Committee 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.	Senate 1 st Reading Calendar (introduced) History: House Business and Labor Committee – Favorable Recommendation 13-0-1 House Floor passed 69-0-6 Track HB260 Status	Support (2)	Lincoln
HB 311 Autism Treatment Fund (Rep Lochkhart)		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.	Bill substituted by House Standing Health and Human Services Committee Track HB 311 Status	Pending	
HB 356 Emergency Medical Services Amendments (Rep Ray, P.)		Still no bill text available.	Bill Numbered by Title Without any Substance; Legislative Research & General Counsel Track HB 356 Status	Pending	
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
HB 408 Hospital Claims Management (Rep Last, B.)		This bill amends the Health Code to authorize a demonstration project administered by department.	House/1 st Reading (introduced) Track HB 408 Status	Pending	Judi
HB 421 Medical Financial Records Amendments (Rep Last, B.)		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.	Bill Numbered by Title without Substance; Track HB 421 Status		Judi
Senate Bills (numbered)	Cost	Summary / Analysis	Status	Position (<i>pending board approval</i>)	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 the Senate. House/ Health and Human Services Committee Track SB 39 Status	Neutral (3)	Judi

<p>SB 41 Drug Utilization Review Board Amendments (Sen Knudson) Substituted Bill</p>	<p>Saves \$472,800</p>	<p>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></p>	<p>House>Returns to rules due to fiscal impact History: Senate/ passed 3rd reading 25-0-4 House Health & Human Services Committee— Favorable Rec 5-1-1 Track SB 41 Status</p>	<p>Support (3)</p>	<p>Lincoln</p>
<p>SB 49 Vending Machines in Public Schools (Sen. Jones, P.)</p>		<p>This bill establishes standards for the contents of vending machines in public schools.</p>	<p>Senate Education Committee-Substitute Recommendation Track SB 49 Status</p>	<p>Support (2)</p>	<p>Lincoln</p>
<p>SB 80 Physician Licensing - Visiting Professors (Sen Knudson)</p>		<p>This bill amends the Utah Medical Practice Act and the Utah Osteopathic Medical Practice Act.</p>	<p>Senate/ 1st reading (Introduced) Track SB 80 Status</p>	<p>Support (3)</p>	<p>Lincoln</p>
<p>SB 88 Pharmacy Practice Act Amendments (Bramble, C.) Substituted Bill</p>		<p>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.</p>	<p>Senate/ passed 3rd reading 27-0-2 House/ 1st reading (Introduced) Track SB 88 Status</p>	<p>Neutral (3)</p>	<p>Wendy</p>
<p>SB 101 Drug Amendments (Sen. Knudson)</p>		<p>Prohibits an insurer from requiring a cancer patient to pay more for chemotherapy treatment that is administered orally rather than intravenously.</p>	<p>Still stuck in Rules. Track SB101 Status</p>	<p>Support (3)</p>	<p>Judi</p>
<p>SB 139 Physician Assistant Amendments (Sen. Bramble, C.)</p>		<p>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.</p>	<p>On Senate 2nd reading calendar Track SB139 Status</p>	<p>Neutral (3)</p>	<p>Judi</p>
<p>SB 145 Substitute Medical Malpractice Amendments (Sen. Adams, J.S.)</p>		<p>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 \$480,000 to \$350,000, 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></p>	<p>Senate/ to standing Senate Natural Resources, Agriculture and Environment Committee—not sure why this committee! Track SB 145 Status</p>	<p>Oppose (2)</p>	<p>Lincoln</p>
<p>SB 160 Utah State Developmental Center Amendments (Sen. Dayton, M.)</p>		<p>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></p>	<p>Senate Health and Human Services Committee – Favorable Rec. 4-1-1 Track SB 160 Status</p>	<p>Oppose (3)</p>	<p>Lincoln</p>

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.	Passed Sen. HHS 5-0. On Senate 2 nd Reading calendar. 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.)		No bill text available.	Bill numbered by title without substance 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 Health & Human Services w/ favorable rec: 5-0-1 Track SB 238 Status		Lincoln
SB 241 Health Code Amendments (Sen. Christensen, A.)		No bill text available.	Bill numbered by Title w/out Substance; Track SB 241 Status		
SB 245 Anesthesiologist Assistants Amendments (Sen. Liljenquist, D.)		No bill text available.	Bill Numbered by Title Without any Substance; Legislative Research & General Counsel Track SB 245 Status		
SB 273 Hospital Assessments (Sen. Hillyard, L.)	See fiscal note.	This bill enacts the Hospital Provider Assessment Act in the health code.	Senate/ 1st reading (introduced); Senate Rules Committee Track SB 273 Status	(Support (3))	Lincoln
SB 274 On-line Pharmacy Amendments (Sen. Bramble, C.)		This bill creates a Limited Online Prescribing, Fulfillment, and Facilitation Licensing Act.	Senate/Business and Labor Committee substituted and amended Track SB274 Status		
Senate Bills (Not yet numbered)	Cost	Summary / Analysis	Status	Position (pending board approval)	Who
County Health Department Amendments (Madsen, M.)	\$0	Under investigation			Judi