UTAH HEALTH POLICY PROJECT
Quality Health Care Coverage for All Utahns
(801) 433-2299 www.healthpolicyproject.org

# UHPP Bill Tracker for Week 3, 2011 General Session

Updated 2/7/11 ☐=UHPP-initiated bill. 1=UHPP plays leading role; 2=supporting; 3=monitoring

*SB=monitored by Shelly Braun; SS=by Shanie Scott; JH=by Judi Hilman; KM=by Kim Myers*

| Priority Bills for UHPP (pro & con) | Cost | Description/Background | Status | Position |
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| HB 128 Health Reform Amendments (Rep. Dunnigan) | TBD | This is the main vehicle for state health system reform (year 4) and for authorizing the state to regulate the insurance market as it conforms to federal health reform changes, including dependent coverage, pre-existing condition exclusion for kids, essential benefits, premium rate reviews and appeals, first-dollar coverage for preventive care, lifetime and annual limits. The bill also amends provisions related to state health reform, including NetCare and the Basic Health Plan; oversight of payment and delivery system reform process; operation of the Exchange & more. The 2/1/11 draft is here: S:\Coverage Initiatives\Reform Proposals\2011\DunniganHealthReformAmmendment(14.0)2-1-11.docx | Bill is ready | Support with amendments (1) SB |
| *SB 41* Health Amendments for Legal Immigrant Children (Sen. Robles) | $471,100 | Amends the Medical Assistance Act and the Utah Children's Health Insurance Act to provide Medicaid coverage and health insurance coverage to legal immigrant children, regardless of the length of time that the child has been in the U.S. See UHPP's 2-4-11 brief. The fiscal note is way too high. Come to advocacy training Feb 8th 5:30 pm Multipurpose Room, State Capitol, 1st floor. | Being held in Rules (ask Sen. Buttars to release) | Support (1) JH |
| SB 103 Utah False Claim Act Amendments *(Sen. B. McAdams)* | $130,000 | Incentivizes citizens who witness Medicaid fraud to come forward and help stop it. Creates a *qui tam* provision in Utah's Medicaid False Claim Act, which will allow whistleblowers to share in the recovery. See UHPP's factsheet: SB 103 is co-sponsored by Sen. Liljenquist. | Still working on the fiscal note (savings estimate is too low) | Support (1) JH |
| SB 137 Medicaid Amendments (Sen. Christensen) | $200K<br>$615 K | Removes *all* restrictions on drugs that can be included on the state's preferred drug list, including psychotropics ~~and immuno-suppressive drugs~~. Some of the savings will be used to backfill recent cuts to mental health providers and to restore emergency dental services (pulling teeth). See UHPP's new factsheet: http://www.healthpolicyproject.org/Publications_files/Medicaid/SB137PDLFactsheet2-4-11.pdf | Will be heard 2/10 2:00 pm in Senate HHS, Room 250 | Pending (1) SS |
| SB192 Interagency Coordinating Council on Health Disparities and Economic Self Sufficiency (Sen. Robles) | | Under the direction of the Legislature, the inter-disciplinary council shall create an action plan and statewide policies and procedures, including health impact reviews that measure and address other social determinants of health that lead to disparities as well as the contributing factors of health that can have impacts on improving health literacy, physical activity & nutrition. | Bill is ready | Support (1) JH |
| HB 211 Community Service Medicaid Pilot Program (Rep. Menlove) | TBD | This bill amends the Health Code and creates a pilot program in the state's medical assistance program. The State will have to submit a waiver request to CMS for approval of program. This would target certain clients of PCN, who would then be required to participate in a designated number of community hours in order to keep their PCN benefits.. | Passed House 66-15. | Oppose (1) SS |
| HB 212 Charges by Health Providers for Medical Records (Rep. Gibson). See 1st Substitute | | Requires a health care provider to provide medical records to a patient or a patient's personal representative (or a 3rd party—investigating) within a reasonable period of time (30 days, according to 1st substitute bill) ; specifies maximum amount that can be charged for copies of these records. | Passed House 65-3 | Support (3) JH |
| **House Bills** | | | | |

**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

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| HB 11 Inmate Health Insurance Amendments (Rep. Ray) | | Recommended by the Judiciary, etc Committee, HB 11 does not allow insurance companies to cancel policies for inmates and other offenders. In-network providers may not be available, according to Ray. They will still go to University hospital. Any co-pay will be paid by the prison. | Failed in Committee 2-11 | Oppose (3) JH |
| HB 14 Catastrophic Mental Health Coverage Sunset Act (Rep. Dunnigan) | | Recommended by the Business and Labor Interim Committee, HB 14 addresses requirement to provide catastrophic mental health coverage. This will no longer be subject to review, in part because it may be duplicative of federal requirements. | Passed House 66-0-8. Passed Senate HHS 4-0. | Neutral SB |
| HB 16 Pharmacy Benefit Manager (PBM) Act (Rep. Vickers) | | Recommended by the HHS Interim Committee, HB 16 requires a PBM to provide itemized statement when accepting payment from a health plan. *HB 16 is part of a movement from insurers to require PBM's to be more transparent. The PBM's are the one aspect of healthcare that has successfully resisted transparency. They have a large army of lobbyists both in DC and in the states. The feeling is that if the Health Benefit Plans who are the payers and represent the employer/employee groups can have access to what the PBM is paying the pharmacy then they can determine how high of an upcharge they are being hit with from the PBM. There are a number of examples where state employee prescription plans, companies, universities, etc have been able to go to more transparent contracts, reduce the upcharge and save their clients millions. With HB 16 Rep. Vickers is trying to create a mechanism to provide this information so that the HBPs can in turn use it to reduce the cost of prescription coverage to their clients.* | Passed House HHS 5-3. Circled in House to complete compromise with PBMs. | Support (3) JH |
| HB 18 Health Reform – Cost Containment (Rep. Daw)—see 2nd Substitute | $0. | Recommended by the Health Reform Task Force, HB 18 requires a PEHP consumer-directed health plan to promote appropriate utilization of health care, including preventive health care services; gives the state flexibility, w/in federal requirements, to determine the appropriate actuarial value of consumer-directed health plans. *Rep. Daw and some of his colleagues are frustrated that the take up rate of high-deductible health plans is so low. HB 18 just offers public employees 1 additional HSA option. The substitute bill requires state employees to attend a health fair about HSAs and makes the HSA/HDHP the default plan. To put it bluntly, this is a waste of taxpayers' resources. We commend state employees for acknowledging their mortality and rejecting HSAs coupled with high-deductible health plans. Should this bill pass, we urge state employees to make a careful choice and reject the proposed default plan.* The 2nd substitute offers an online training as an option. | Passed House 70-0 | Neutral (2) JH |
| HB 19 Insurance-Related Amendments (Rep. Dunnigan)—see 1st Substitute | | This is this year's voluminous insurance department bill. Each year, as insurance laws and regulations change, a bill is needed to bring Utah's insurance code into alignment with these changes. This will require Utah's PPOs and HMOs to play by the same rules, namely, to offer a less expensive health plan option that does not cover out-of-network services (excepting medical emergency care). It also requires brokers who sell long-term-care policies to receive training about LTC. | Passed House 70-0 | Neutral SB |
| HB 77 Medical Assistance Accountability (Rep. Clark) | | Provides that an inspector general of Medicaid Services or the director of the Office of Internal Audit and Program Integrity is the presiding officer, and final department arbiter, of administrative appeal proceedings relating to Medicaid funds or services; describes duties and reporting requirements for the division relating to management and oversight of the state's Medicaid and medical assistance programs; places the Utah Office of Internal Audit and Program Integrity directly under the executive director of the Department of Health; and provides the Utah Office of Internal Audit and Program Integrity with full access to the records of the Division of Health Care Financing. *All of this is in response to the recent* | In Rules | Support (2) SS |

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| | | *audit findings of fraud. It should take better advantage of new federal resources for going after fraud—we will explore this.* | | |
| HB 84 Office of Inspector General of Medicaid Services (Rep. Clark) | | In response to findings of significant fraud (and upcoding), creates within the Governor's Office a new Inspector General of Medicaid Services for purposes of detecting and preventing fraud, waste, and abuse within Utah Medicaid. Transfers staff resources from Human Services—investigating whether this is an undue burden. | Assigned to Standing Committee | Support Pending (1) SS |
| HB 217 Appointment of Director of Health Care Financing | | Provides that Medicaid Division Director shall be appointed by Governor, in consultation with Senate. | Passed House 62-6; passed Senate Committee 4-0 | Neutral (3) |
| HB 233 Insurance Coverage for Amino-Based Formula (Rep. Spackman-Moss) | | Requires coverage of the use of an amino-acid based nutritional formula for the diagnosis or treatment of an eosinophilic gastrointestinal disorder. | In Rules | Support pending (3) |
| HB 240 Social Services – Employment First Priority (Rep. Menlove) | | Requires Department of Workforce Services, State Office of Rehabilitation, and the Division of Services for People with Disabilities to give priority to providing services that assist the person in obtaining and retaining meaningful and gainful employment. | Passed House Committee 6-0 | Support (3) |
| HB 256 Children's Health Insurance and Medicaid Administrative Simplification (Rep. Dunnigan) | | Simplifies enrollment and renewal for Medicaid and other children's health insurance programs. requires Department of Health to apply for grants to fund simplified enrollment & renewal process for Medicaid, Utah Premium Partnership, and PCN Demo programs; if funding available, establish a simplified enrollment and renewal process for the programs in which the eligibility worker may, if the applicant provides consent, confirm the adjusted gross income of the applicant from the State Tax Commission; allows the Department of Health or its designee to: enter into agreements with financial institutions to develop and operate a data system to identify applicant/enrollee's assets; and pay a reasonable fee to financial institution for services; requires the CHIP to apply for grants to fund a simplified enrollment process. | Got fiscal note | Support (2) SS |
| HB 311 Recovery of Uncompensated Emergency Room Care (Rep. Dougall) | | This is new—investigating. | Title only | Pending JH |
| HB 355 Hospital-Acquired Infections (Rep. Draxler) | | This is new—investigating. | Title only | Pending JH |
| HB 381 Prescription Drug Amendments (Rep. Last) | | This is new—investigating. | Title only | |
| HB 382 Statewide Risk Adjuster Mechanism Amendments (Rep. **Wimmer**) | | This is new—investigating. Based on Rep. Wimmer's role last year in the attempt to defeat the statewide risk adjuster, it can't be good. | | Likely Oppose (1) SB |
| HB 404 State Health Insurance Amendments (Rep. Ipson) | | This is new—investigating. | | |
| **Senate Bills** | | | | |
| SB 33 Health Disparities & Related American Indian Programs (Sen. Van Tassell) | $0 | Renames the Center for Multicultural Health to "Office of Health Disparities Reduction," and creates a new position, American Indian/Alaska Native Health Liaison under the Health Department Executive Director; clarifies duties. Slightly strengthens requirements related to cultural and language competency. | Passed all the way through | Support (2) JH |
| SB 129 Licensing of Physician Educators (Sen. Urquhart) | $100-500 | Provides for issuance of a temporary license for foreign-educated physicians invited to serve as faculty at a Utah medical school; allows a foreign-educated physician who has held a temporary license for at least 5 years to apply for a permanent license | In Rules | Support (3) JH |

| Other Bills: to oppose or of interest | | | | |
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| *HB70* Illegal-Immigration Enforcement Act (Rep. Sandstrom) | | Current anti-immigrant legislation would require the elimination of programs that require presumptive eligibility, such as Baby your Baby. | Introduced | Oppose (2) JH |