

**REPEAL OF HEALTH AND HUMAN SERVICES REPORTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**Committee Note:**

The Health and Human Services Interim Committee recommended this bill.

**General Description:**

This bill repeals and amends Utah Code provisions that require reports to the Health and Human Services Interim Committee.

**Highlighted Provisions:**

This bill:

► repeals and amends provisions that require reports to the Health and Human Services Interim Committee.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-2-3**, as last amended by Laws of Utah 2015, Chapter 183

**26-18-2.6**, as last amended by Laws of Utah 2013, Chapter 278

**26-18-407**, as last amended by Laws of Utah 2014, Chapter 302

**26-18-408**, as last amended by Laws of Utah 2015, Chapter 246

**26-56-103**, as last amended by Laws of Utah 2016, Chapter 89



28 [49-20-106](#), as enacted by Laws of Utah 2016, Chapter 119  
29 [62A-15-1102](#), as enacted by Laws of Utah 2016, Chapter 164  
30 [62A-17-103](#), as enacted by Laws of Utah 2013, Chapter 24



32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **26-2-3** is amended to read:

34 **26-2-3. Department duties and authority.**

35 (1) As used in this section:

36 (a) "Compact" means the Compact for Interstate Sharing of Putative Father Registry  
37 Information created in Section [78B-6-121.5](#), effective on May 10, 2016.

38 (b) "Putative father":

39 (i) means the same as that term is as defined in Section [78B-6-121.5](#); and

40 (ii) includes an unmarried biological father.

41 (c) "State registrar" means the state registrar of vital records appointed under  
42 Subsection (2)(e).

43 (d) "Unmarried biological father" means the same as that term is defined in Section  
44 [78B-6-103](#).

45 (2) The department shall:

46 (a) provide offices properly equipped for the preservation of vital records made or  
47 received under this chapter;

48 (b) establish a statewide vital records system for the registration, collection,  
49 preservation, amendment, and certification of vital records and other similar documents  
50 required by this chapter and activities related to them, including the tabulation, analysis, and  
51 publication of vital statistics;

52 (c) prescribe forms for certificates, certification, reports, and other documents and  
53 records necessary to establish and maintain a statewide system of vital records;

54 (d) prepare an annual compilation, analysis, and publication of statistics derived from  
55 vital records; and

56 (e) appoint a state registrar to direct the statewide system of vital records.

57 (3) The department may:

58 (a) divide the state from time to time into registration districts; and

59 (b) appoint local registrars for registration districts who under the direction and  
 60 supervision of the state registrar shall perform all duties required of them by this chapter and  
 61 department rules.

62 (4) The state registrar appointed under Subsection (2)(e) shall~~[(a)]~~, with the input of  
 63 Utah stakeholders and the Uniform Law Commission, study the following items for the state's  
 64 implementation of the compact:

65 [(i)] (a) the feasibility of using systems developed by the National Association for  
 66 Public Health Statistics and Information Systems, including the State and Territorial Exchange  
 67 of Vital Events (STEVE) system and the Electronic Verification of Vital Events (EVVE)  
 68 system, or similar systems, to exchange putative father registry information with states that are  
 69 parties to the compact;

70 [(ii)] (b) procedures necessary to share putative father information, located in the  
 71 confidential registry maintained by the state registrar, upon request from the state registrar of  
 72 another state that is a party to the compact;

73 [(iii)] (c) procedures necessary for the state registrar to access putative father  
 74 information located in a state that is a party to the compact, and share that information with  
 75 persons who request a certificate from the state registrar;

76 [(iv)] (d) procedures necessary to ensure that the name of the mother of the child who  
 77 is the subject of a putative father's notice of commencement, filed pursuant to Section  
 78 78B-6-121, is kept confidential when a state that is a party to the compact accesses this state's  
 79 confidential registry through the state registrar; and

80 [(v)] (e) procedures necessary to ensure that a putative father's registration with a state  
 81 that is a party to the compact is given the same effect as a putative father's notice of  
 82 commencement filed pursuant to Section 78B-6-121~~[-and]~~.

83 ~~[(b) report to the Health and Human Services Interim Committee before November 1,~~  
 84 ~~2015, on the study items described in Subsection (4)(a).]~~

85 Section 2. Section 26-18-2.6 is amended to read:

86 **26-18-2.6. Dental benefits.**

87 (1) (a) Except as provided in Subsection (8), the division shall establish a competitive  
 88 bid process to bid out Medicaid dental benefits under this chapter.

89 (b) The division may bid out the Medicaid dental benefits separately from other

90 program benefits.

91 (2) The division shall use the following criteria to evaluate dental bids:

92 (a) ability to manage dental expenses;

93 (b) proven ability to handle dental insurance;

94 (c) efficiency of claim paying procedures;

95 (d) provider contracting, discounts, and adequacy of network; and

96 (e) other criteria established by the department.

97 (3) The division shall request bids for the program's benefits:

98 (a) in 2011; and

99 (b) at least once every five years thereafter.

100 (4) The division's contract with dental plans for the program's benefits shall include  
101 risk sharing provisions in which the dental plan must accept 100% of the risk for any difference  
102 between the division's premium payments per client and actual dental expenditures.

103 (5) The division may not award contracts to:

104 (a) more than three responsive bidders under this section; or

105 (b) an insurer that does not have a current license in the state.

106 (6) (a) The division may cancel the request for proposals if:

107 (i) there are no responsive bidders; or

108 (ii) the division determines that accepting the bids would increase the program's costs.

109 (b) If the division cancels the request for proposals under Subsection (6)(a), the  
110 division shall report to the Health and Human Services Interim Committee regarding the  
111 reasons for the decision.

112 (7) Title 63G, Chapter 6a, Utah Procurement Code, shall apply to this section.

113 (8) (a) The division may:

114 (i) establish a dental health care delivery system and payment reform pilot program for  
115 Medicaid dental benefits to increase access to cost effective and quality dental health care by  
116 increasing the number of dentists available for Medicaid dental services; and

117 (ii) target specific Medicaid populations or geographic areas in the state.

118 (b) The pilot program shall establish compensation models for dentists and dental  
119 hygienists that:

120 (i) increase access to quality, cost effective dental care; and

121 (ii) use funds from the Division of Family Health and Preparedness that are available to  
122 reimburse dentists for educational loans in exchange for the dentist agreeing to serve Medicaid  
123 and under-served populations.

124 (c) The division may amend the state plan and apply to the Secretary of Health and  
125 Human Services for waivers or pilot programs if necessary to establish the new dental care  
126 delivery and payment reform model. The division shall evaluate the pilot program's effect on  
127 the cost of dental care and access to dental care for the targeted Medicaid populations. [~~The  
128 division shall report to the Legislature's Health and Human Services Interim Committee by  
129 November 30th of each year that the pilot project is in effect.]~~

130 Section 3. Section ~~26-18-407~~ is amended to read:

131 **26-18-407. Medicaid waiver for autism spectrum disorder.**

132 (1) As used in this section:

133 (a) "Autism spectrum disorder" is as defined by the most recent edition of the  
134 Diagnostic and Statistical Manual on Mental Disorders or a recent edition of a professionally  
135 accepted diagnostic manual.

136 (b) "Program" means the autism spectrum disorder program created in Subsection (3).

137 (c) "Qualified child" means a child who is:

138 (i) at least two years of age but less than seven years of age; and

139 (ii) diagnosed with an autism spectrum disorder by a qualified professional.

140 (2) The department shall apply for a Medicaid waiver with the Centers for Medicare  
141 and Medicaid Services within the United States Department of Health and Human Services to  
142 implement, within the state Medicaid program, the program described in Subsection (3).

143 (3) The department shall offer an autism spectrum disorder program that:

144 (a) as funding permits, provides treatment for autism spectrum disorders to qualified  
145 children; and

146 (b) accepts applications for the program during periods of open enrollment.

147 (4) The department shall:

148 (a) convene a public process with the Department of Human Services to determine the  
149 benefits and services the program shall offer qualified children that considers, in addition to  
150 any other relevant factor:

151 (i) demonstrated effective treatments;

- 152 (ii) methods to engage family members in the treatment process; and
- 153 (iii) outreach to qualified children in rural and underserved areas of the state; and
- 154 (b) evaluate the ongoing results, cost, and effectiveness of the program.

155 ~~[(5) The department shall annually report to the Legislature's Health and Human~~  
 156 ~~Services Interim Committee before each November 30 while the waiver is in effect regarding:]~~

- 157 ~~[(a) the number of qualified children served under the waiver;]~~
- 158 ~~[(b) success involving families in supporting treatment plans for autistic children;]~~
- 159 ~~[(c) the cost of the program; and]~~
- 160 ~~[(d) the results and effectiveness of the program.]~~

161 Section 4. Section **26-18-408** is amended to read:

162 **26-18-408. Incentives to appropriately use emergency department services.**

163 (1) (a) This section applies to the Medicaid program and to the Utah Children's Health  
 164 Insurance Program created in Chapter 40, Utah Children's Health Insurance Act.

165 (b) For purposes of this section:

166 (i) "Accountable care organization" means a Medicaid or Children's Health Insurance  
 167 Program administrator that contracts with the Medicaid program or the Children's Health  
 168 Insurance Program to deliver health care through an accountable care plan.

169 (ii) "Accountable care plan" means a risk based delivery service model authorized by  
 170 Section [26-18-405](#) and administered by an accountable care organization.

171 (iii) "Nonemergent care":

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

176 (B) does not mean the medical services provided to a recipient required by the  
 177 Emergency Medical Treatment and Active Labor Act, including services to conduct a medical  
 178 screening examination to determine if the recipient has an emergent or nonemergent condition.

179 (iv) "Professional compensation" means payment made for services rendered to a  
 180 Medicaid recipient by an individual licensed to provide health care services.

181 (v) "Super-utilizer" means a Medicaid recipient who has been identified by the  
 182 recipient's accountable care organization as a person who uses the emergency department

183 excessively, as defined by the accountable care organization.

184 (2) (a) An accountable care organization may, in accordance with Subsections (2)(b)  
185 and (c):

186 (i) audit emergency department services provided to a recipient enrolled in the  
187 accountable care plan to determine if nonemergent care was provided to the recipient; and

188 (ii) establish differential payment for emergent and nonemergent care provided in an  
189 emergency department.

190 (b) (i) The differential payments under Subsection (2)(a)(ii) do not apply to  
191 professional compensation for services rendered in an emergency department.

192 (ii) Except in cases of suspected fraud, waste, and abuse, an accountable care  
193 organization's audit of payment under Subsection (2)(a)(i) is limited to the 18-month period of  
194 time after the date on which the medical services were provided to the recipient. If fraud,  
195 waste, or abuse is alleged, the accountable care organization's audit of payment under  
196 Subsection (2)(a)(i) is limited to three years after the date on which the medical services were  
197 provided to the recipient.

198 (c) The audits and differential payments under Subsections (2)(a) and (b) apply to  
199 services provided to a recipient on or after July 1, 2015.

200 (3) An accountable care organization shall:

201 (a) use the savings under Subsection (2) to maintain and improve access to primary  
202 care and urgent care services for all of the recipients enrolled in the accountable care plan;

203 (b) provide viable alternatives for increasing primary care provider reimbursement  
204 rates to incentivize after hours primary care access for recipients; and

205 (c) report to the department on how the accountable care organization complied with  
206 this Subsection (3).

207 (4) The department shall:

208 (a) through administrative rule adopted by the department, develop quality  
209 measurements that evaluate an accountable care organization's delivery of:

210 (i) appropriate emergency department services to recipients enrolled in the accountable  
211 care plan;

212 (ii) expanded primary care and urgent care for recipients enrolled in the accountable  
213 care plan, with consideration of the accountable care organization's:

214 (A) delivery of primary care, urgent care, and after hours care through means other than  
215 the emergency department;

216 (B) recipient access to primary care providers and community health centers including  
217 evening and weekend access; and

218 (C) other innovations for expanding access to primary care; and

219 (iii) quality of care for the accountable care plan members;

220 (b) compare the quality measures developed under Subsection (4)(a) for each  
221 accountable care organization and share the data and quality measures developed under  
222 Subsection (4)(a) with the Health Data Committee created in Chapter 33a, Utah Health Data  
223 Authority Act;

224 (c) apply for a Medicaid waiver and a Children's Health Insurance Program waiver  
225 with the Centers for Medicare and Medicaid Services within the United States Department of  
226 Health and Human Services, to:

227 (i) allow the program to charge recipients who are enrolled in an accountable care plan  
228 a higher copayment for emergency department services; and

229 (ii) develop, by administrative rule, an algorithm to determine assignment of new,  
230 unassigned recipients to specific accountable care plans based on the plan's performance in  
231 relation to the quality measures developed pursuant to Subsection (4)(a); and

232 (d) before July 1, 2015, convene representatives from the accountable care  
233 organizations, pre-paid mental health plans, an organization representing hospitals, an  
234 organization representing physicians, and a county mental health and substance abuse authority  
235 to discuss alternatives to emergency department care, including:

236 (i) creating increased access to primary care services;

237 (ii) alternative care settings for super-utilizers and individuals with behavioral health or  
238 substance abuse issues;

239 (iii) primary care medical and health homes that can be created and supported through  
240 enhanced federal match rates, a state plan amendment for integrated care models, or other  
241 Medicaid waivers;

242 (iv) case management programs that can:

243 (A) schedule prompt visits with primary care providers within 72 to 96 hours of an  
244 emergency department visit;

245 (B) help super-utilizers with behavioral health or substance abuse issues to obtain care  
246 in appropriate care settings; and

247 (C) assist with transportation to primary care visits if transportation is a barrier to  
248 appropriate care for the recipient; and

249 (v) sharing of medical records between health care providers and emergency  
250 departments for Medicaid recipients.

251 (5) The Health Data Committee may publish data in accordance with Chapter 33a,  
252 Utah Health Data Authority Act, which compares the quality measures for the accountable care  
253 plans.

254 (6) The department shall report to the Legislature's Health and Human Services Interim  
255 Committee [~~on or before October 1, 2016,~~] every two years regarding implementation of this  
256 section.

257 Section 5. Section **26-56-103** is amended to read:

258 **26-56-103. Hemp extract registration card -- Application -- Fees -- Database.**

259 (1) The department shall issue a hemp extract registration card to an individual who:

260 (a) is at least 18 years of age;

261 (b) is a Utah resident;

262 (c) provides the department with a statement signed by a neurologist that:

263 (i) indicates that the individual:

264 (A) suffers from intractable epilepsy; and

265 (B) may benefit from treatment with hemp extract; and

266 (ii) is consistent with a record from the neurologist, concerning the individual,  
267 contained in the database described in Subsection (8);

268 (d) pays the department a fee in an amount established by the department under  
269 Subsection (5); and

270 (e) submits an application to the department, on a form created by the department, that  
271 contains:

272 (i) the individual's name and address;

273 (ii) a copy of the individual's valid photo identification; and

274 (iii) any other information the department considers necessary to implement this  
275 chapter.

- 276 (2) The department shall issue a hemp extract registration card to a parent who:  
277 (a) is at least 18 years of age;  
278 (b) is a Utah resident;  
279 (c) provides the department with a statement signed by a neurologist that:  
280 (i) indicates that a minor in the parent's care:  
281 (A) suffers from intractable epilepsy; and  
282 (B) may benefit from treatment with hemp extract; and  
283 (ii) is consistent with a record from the neurologist, concerning the minor, contained in  
284 the database described in Subsection (8);  
285 (d) pays the department a fee in an amount established by the department under  
286 Subsection (5); and  
287 (e) submits an application to the department, on a form created by the department, that  
288 contains:  
289 (i) the parent's name and address;  
290 (ii) the minor's name;  
291 (iii) a copy of the parent's valid photo identification; and  
292 (iv) any other information the department considers necessary to implement this  
293 chapter.  
294 (3) The department shall maintain a record of:  
295 (a) the name of each registrant; and  
296 (b) the name of each minor receiving care from a registrant.  
297 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
298 Administrative Rulemaking Act, to:  
299 (a) establish the information an applicant is required to provide to the department under  
300 Subsections (1)(e)(iii) and (2)(e)(iv); and  
301 (b) establish, in accordance with recommendations from the Department of Public  
302 Safety, the form and content of the hemp extract registration card.  
303 (5) The department shall establish fees in accordance with Section 63J-1-504 that are  
304 no greater than the amount necessary to cover the cost the department incurs to implement this  
305 chapter.  
306 (6) The registration cards issued under Subsections (1) and (2) are:

- 307 (a) valid for one year; and
- 308 (b) renewable, if, at the time of renewal, the registrant meets the requirements of either
- 309 Subsection (1) or (2).
- 310 (7) The neurologist who signs the statement described in Subsection (1)(c) or (2)(c)
- 311 shall:
- 312 (a) keep a record of the neurologist's evaluation and observation of a patient who is a
- 313 registrant or minor under a registrant's care, including the patient's response to hemp extract;
- 314 and
- 315 (b) transmit the record described in Subsection (7)(a) to the department.
- 316 (8) The department shall:
- 317 (a) maintain a database of the records described in Subsection (7);
- 318 (b) treat the records as identifiable health data, as defined in Section 26-3-1; and
- 319 (c) establish a procedure for ensuring that neurologists transmit the records described
- 320 in Subsection (7).
- 321 (9) (a) The department shall prepare a de-identified set of data based on records
- 322 described in Subsection (8) and make the set of data available to researchers at a higher
- 323 education institution for the purpose of studying hemp extract.
- 324 (b) No later than July 1, 2016, the department shall, in accordance with Title 63G,
- 325 Chapter 6a, Utah Procurement Code, request proposals to conduct a study of hemp extract.
- 326 (c) The study of hemp extract shall include at least the following:
- 327 (i) analysis of data from the records of patients who have held hemp extract registration
- 328 cards for one year or more;
- 329 (ii) the effect of hemp extract on the patient's seizure control; and
- 330 (iii) any adverse effects or other effects on the patient that may be attributable to the
- 331 patient's use of hemp extract.
- 332 (d) The department shall report to the Health and Human Services Interim Committee
- 333 [~~of the Legislature on or before the November 2016 interim meeting~~] by November 30 of each
- 334 year until November 30, 2019, on the study of hemp extract.
- 335 Section 6. Section **49-20-106** is amended to read:
- 336 **49-20-106. Obesity report.**
- 337 (1) The Public Employees' Health Plan shall report to the Health and Human Services

338 Interim Committee every two years by no later than the Health and Human Services Interim  
339 Committee's November [~~2016~~] interim meeting regarding the analysis required by Subsection  
340 (2).

341 (2) For purposes of the report required by Subsection (1), the Public Employees' Health  
342 Plan shall:

343 (a) estimate the costs and benefits to the Public Employees' Health Plan associated with  
344 providing insurance coverage for anti-obesity treatment, including:

345 (i) counseling;

346 (ii) medication; and

347 (iii) surgery;

348 (b) compare the costs and benefits estimated under Subsection (2)(a) with the costs and  
349 benefits to the Public Employees' Health Plan associated with treating diseases caused by or  
350 linked to obesity, including:

351 (i) diabetes;

352 (ii) hypertension;

353 (iii) heart disease; and

354 (iv) other diseases; and

355 (c) analyze whether there would be cost savings by providing the insurance coverage  
356 described in Subsection (2)(a).

357 (3) The Public Employees' Health Plan may work with other insurers or other  
358 interested persons in developing the report required by this section.

359 Section 7. Section **62A-15-1102** is amended to read:

360 **62A-15-1102. Study on gun use -- Report.**

361 (1) As used in this section:

362 (a) "Coordinator" means the state suicide prevention coordinator described in Section  
363 [62A-15-1101](#).

364 (b) "Legal intervention" means an incident in which an individual is shot by another  
365 individual who has legal authority to use deadly force.

366 (c) "Shooter" means an individual who uses a gun in an act that results in the death of  
367 the actor or another individual, whether the act was a suicide, homicide, legal intervention, act  
368 of self-defense, or accident.

369 (2) The coordinator shall, by October 30, 2018, conduct a study on use of guns in the  
370 state and on an ongoing basis report on the progress and findings of the study to the Health and  
371 Human Services Interim Committee.

372 [~~(3) By October 30, 2016, the coordinator shall:~~]

373 [~~(a) determine what information, and from which state, local, and federal agencies, will~~  
374 ~~be necessary to complete the study;~~]

375 [~~(b) determine how much the study will cost;~~]

376 [~~(c) make recommendations for legislation, if any, that will be necessary to facilitate~~  
377 ~~information-sharing between local, state, federal, and private entities and the coordinator; and]~~

378 [~~(d) report the findings described in Subsections (3)(a) through (c) to the Health and~~  
379 ~~Human Services Interim Committee.]~~

380 [~~(4)~~] (3) The study described in Subsection (2) shall investigate:

381 (a) the number of deaths in the state that involved a gun, including deaths from suicide,  
382 homicide including gang-related violence, legal intervention, self-defense, and accidents;

383 (b) where and how a gun that was involved in a death described in Subsection [~~(4)~~]  
384 (3)(a) was procured, and whether that procurement was legal;

385 (c) demographic information on the shooter and, where applicable, a victim of a death  
386 described in Subsection [~~(4)~~] (3)(a), including gender, race, age, criminal history, and gang  
387 affiliation, if any;

388 (d) the total estimated number of gun owners in the state;

389 (e) information on the shooter, including whether the shooter has a history of:

390 (i) mental illness; or

391 (ii) domestic violence; and

392 (f) whether gun deaths are seasonal.

393 (5) The coordinator shall ensure that the study described in Subsection (2) is conducted  
394 in an unbiased manner, with no preconceived conclusions about potential results.

395 (6) The coordinator may contract with another state agency, private entity, or research  
396 institution to assist the coordinator and office with the study required by Subsection (2).

397 (7) (a) The coordinator shall submit a final report on the study described in Subsection  
398 (2), including proposed legislation and recommendations, to the Health and Human Services  
399 Interim Committee before November 30, 2018.

400 (b) The final report shall include references to all sources of information and data used  
401 in the report and study.

402 Section 8. Section **62A-17-103** is amended to read:

403 **62A-17-103. Designated approved 211 service provider -- Department**  
404 **responsibilities.**

405 (1) The department shall designate an approved 211 service provider to provide  
406 information to Utah citizens about health and human services available in the citizen's  
407 community.

408 (2) Only a service provider approved by the department may provide 211 telephone  
409 services in this state.

410 (3) The department shall approve a 211 service provider after considering the  
411 following:

412 (a) the ability of the proposed 211 service provider to meet the national 211 standards  
413 recommended by the Alliance of Information and Referral Systems;

414 (b) the financial stability of the proposed 211 service provider;

415 (c) the community support for the proposed 211 service provider;

416 (d) the relationship between the proposed 211 service provider and other information  
417 and referral services; and

418 (e) other criteria as the department considers appropriate.

419 (4) The department shall coordinate with the approved 211 service provider and~~[(a)]~~  
420 other state and local agencies to ensure the joint development and maintenance of a statewide  
421 information database for use by the approved 211 service provider~~[-and]~~.

422 ~~[(b) other interested parties, including public, private, and non-profit transportation~~  
423 ~~operators, who shall form a work group and issue a report to the Health and Human Services~~  
424 ~~Interim Committee by November 15, 2013 that addresses the following issues:]~~

425 ~~[(i) an assessment of transportation needs for individuals with disabilities, the elderly,~~  
426 ~~and other receiving services from the department;]~~

427 ~~[(ii) an assessment of available services and current transportation providers~~  
428 ~~throughout Utah;]~~

429 ~~[(iii) identification of opportunities to achieve efficiency in service delivery, including~~  
430 ~~the viability of a single dispatch system; and]~~

431            ~~[(iv) priorities for implementation of efficiency, based on resources and feasibility.]~~

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**