

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES  
STANDING COMMITTEE  
ROOM 250 STATE CAPITOL COMPLEX  
FEBRUARY 24 , 2012**

Members Present:            Sen. Allen M. Christensen, Chair  
                                      Sen. Patricia W. Jones  
                                      Sen. Mark B. Madsen  
                                      Sen. Stuart C. Reid  
                                      Sen. Luz Robles

Staff Present:                Mr. Mark D. Andrews, Policy Analyst  
                                      Ms. Karen C. Allred, Committee Secretary

A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Christensen called the meeting to order at 8:07 A.M.

**MOTION:**    Sen. Jones moved to approve the minutes of February 22, 2012. The motion passed unanimously with Sen. Madsen and Sen. Robles absent for the vote.

**S.B. 40            Medical and Osteopathic Practice Act Amendments (Sen. P. Knudson)**

**MOTION:**    Sen. Reid moved to replace 1st Sub. S.B. 40 with 2nd Sub. S.B. 40. The motion passed unanimously with Sen. Madsen and Sen. Robles absent for the vote.

**MOTION:**    Sen. Jones moved to amend 2nd Sub. S.B. 40 as follows:

1.    *Page 4, Line 99:*

99    within their respective scope of practice, and qualified under Subsection  
(2) { ~~(f)~~    — ~~(i)~~    — :

2.    *Page 4, Lines 105 through 109:*

105            (b) "Delegation group B" means —:  
                  ~~(i)~~ — { ~~the following who~~ are — a practical nurse or an esthetician who is —  
licensed under this title, acting  
106    within their respective scope of practice, and { ~~are~~ — qualified under Subsection  
                  { ~~(2)(f)~~ — (2)(i); and — :  
107            { ~~(i) a practical nurse;~~  
108    ~~(ii) an esthetician; and~~ } —  
109            { ~~(i)~~ — (ii) — a medical assistant who is qualified under Subsection  
(2)(i) — :

3. *Page 4, Line 118:*

118 (iii) is located within { ~~45~~ 60 minutes or ~~45~~ 60 miles of the  
cosmetic medical facility.

The motion passed unanimously with Sen. Madsen and Sen. Robles absent for the vote.

Sen. Knudson introduced and explained the bill.

Spoke for the bill: Michelle McOmber, Chief Executive Officer, Utah Medical Association  
Mark Brinton, General Counsel, Utah Medical Association  
Spoke against the bill: Dr. Matthew Roller, President, Chiropractic Physicians Association  
RuthAnn Holloway, Owner, Master Esthetics  
Nicholas Anderson, Owner, Medical Spa  
Spoke to the bill: Brenda Scharman, Utah Beauty School Owners Association

**MOTION:** Sen. Reid moved to pass 2nd Sub. S.B. 40 out favorably with an additional amendment:

1. *Page 3, Lines 70 through 71:*

70 (B) are performed by a { ~~chiropractor~~ chiropractic physician or  
physical therapist for treatment of a condition  
71 that is within their scope of practice.

The motion passed unanimously with Sen. Madsen absent for the vote.

**1st Sub. H.B. 95 Retail Sale of Tobacco Products (Rep. P. Ray)**

Rep. Ray introduced and explained the bill.

Spoke for the bill: David Spatafore, Utah Association of Police Chiefs  
Dalane England, Vice President, Utah Eagle Forum  
Debi Tabor, Programs Vice President, Utah Parent Teachers  
Association (PTA)

**MOTION:** Sen. Jones moved to amend 1st Sub. H. B. 95 as follows:

1. *Page 5, Lines 136 through 140:*

136 (b) "Retail tobacco specialty business" means a commercial establishment in which:  
137 (i) the sale of tobacco products accounts for more than { ~~30%~~ 35% of the  
total annual gross  
138 receipts for the establishment;

139           (ii) food and beverage products, excluding gasoline sales, is less than  
              { ~~50%~~   —   45%   of the total  
140   annual gross receipts for the establishment; and

The motion passed unanimously.

**MOTION:**    Sen. Jones moved to amend 1st Sub. H.B. 95 as follows:

1.   *Page 8, Lines 233 through 236:*

233           (2) (a) [~~Any person who~~] It is unlawful for a person to, knowingly, { ~~under~~  
234   circumstances where a person should reasonably know,}   \_\_\_ intentionally, recklessly,  
              or with  
235   criminal negligence [~~provides~~] provide any tobacco paraphernalia to any person under 19  
              years  
236   of age[;].

The motion passed unanimously.

**MOTION:**    Sen. Jones moved to pass 1st Sub. H.B. 95 out favorably. The motion passed with  
              Sen. Madsen voting in opposition.

**H.B. 98           Continuous Eligibility for Medicaid (*Rep. D. Sanpei*)**

Rep. Sanpei introduced and explained the bill.

**MOTION:**    Sen. Reid moved to pass H.B. 98 out favorably. The motion passed unanimously.

**H.B. 296          Social Services - Employment First Priority (*Rep. V. L. Snow*)**

Rep. Snow introduced and explained the bill.

Spoke for the bill:           Lana Stohl, Director, Division of Substance Abuse and Mental Health,  
  Department of Human Services

**MOTION:**    Sen. Reid moved to pass H.B. 296 out favorably. The motion passed unanimously.

**H.B. 240          Medical Retainer Agreements (*Rep. K. Ivory*)**

Rep. Ivory introduced and explained the bill.

**MOTION:**    Sen. Madsen moved to pass H.B. 240 out favorably. The motion passed  
              unanimously.

**H.B. 225      Child and Family Service Providers (*Rep. C. Watkins*)**

Rep. Watkins introduced and explained the bill.

**MOTION:**    Sen. Madsen moved to pass H.B. 225 out favorably. The motion passed unanimously.

**H.B. 180      Food Stamp Reference Amendments (*Rep. R. Chavez-Houck*)**

Sen. Robles introduced and explained the bill.

**MOTION:**    Sen. Madsen moved to pass H.B.180 out favorably. The motion passed unanimously.

**MOTION:**    Sen. Jones moved to adjourn. The motion passed unanimously.

The meeting adjourned at 9:52 A.M.

Minutes reported by Karen C. Allred, Secretary.

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Sen. Allen M. Christensen, Committee Chair