

Legislative Coalition for People with Disabilities Legislative Wrap-up 2011 General Session

Department of Human Services			
Division of Services for People with Disabilities			
HB 240 Social Services Employment First Priority/ Rep. Ronda Menlove	See details under State Office of Rehabilitation	Support	Passed
Appropriations: Base Budget Reductions HB 8 Sub 1 Social Services Base Budget	<p>Budget reductions that were not backfilled for FY2012: Increase productivity of all DSPD statewide operations functions (staff cuts) -\$367,200 GF ongoing Increase productivity of State administration and technical assistance staff (staff cuts) -\$177,500 GF ongoing 1% recovery, with federal help, of GF in Medicaid programs -\$355,900 ongoing (recover \$ from waste, fraud and abuse) Lease the 4 state-owned group homes at market rates -\$43,000 ongoing</p>		
Appropriations FY12: SB 2 New Fiscal Year Supplemental Appropriations Act and SB 3 Appropriations Adjustments	<p>Restoration of reductions from HB 8 Sub 1: Reduce or eliminate some respite codes +\$185,800GF ongoing Eliminate Motor Transportation Payment (MTP) rate code (Transportation to Day Programs) +\$625,00 GF ongoing Increase caseloads of support coordinators from 46 to 60 and extend timeframes for review +\$570,000 Utah State Developmental Center increase productivity of staff +\$72,900 GF ongoing Replace one-time add back funding for the Utah State Developmental Center +\$500,000 GF ongoing</p> <p>Building Blocks funded: Replace the loss of one-time backfill funding used to pay DSPD providers +\$1,700,000 GF ongoing Additionally assessed needs of individuals in waived services +\$1,200,000 GF ongoing Disabilities Waiting Lists +\$1,051,000 GF ongoing Supported Employment +\$250,000 GF ongoing Federal Medical Assistance Percentage (FMAP rate adjustments) +\$356,000 GF one-time (unfunded -\$168,800)</p>		
Intent Language	<p>The Legislature intends the Division of Services for People with Disabilities (DSPD) use FY 2012 beginning nonlapsing funds to provide services for individuals needing emergency services, individuals needing additional waiver services, individuals who turn 18 years old and leave state custody from the divisions of Child and Family Services and Juvenile Justice Services, and individuals court ordered into DSPD services.</p> <p>Legislature also intends DSPD use FY 2012 beginning nonlapsing funds for lease expenses. The Legislature intends the Division of Services for People with Disabilities (DSPD), in consultation with stakeholders, providers, and the state Medicaid agency, explore options for a tier approach for individuals waiting for services to be utilized as an alternative or in addition to programs currently funded as part of the FY 2012 DSPD appropriations. It is further the intent of the Legislature that these efforts, along with recommendations, be reported back to the Social Services Appropriations subcommittee by January 2012.</p>		

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HJR 24 Master Study Resolution	Costs and Resources for Serving the Mentally Disabled - to study the detailed per person cost for residents of the Utah State Development Center, private intermediate care facilities for the mentally retarded, and a range of community-based providers of programs and services for the disabled.		
Division of Substance Abuse and Mental Health			
HB 14 Catastrophic Mental Health Coverage – Sunset Act/ Rep. James Dunnigan	This bill removes catastrophic mental health coverage provision from the Legislative Oversight and Sunset Act.	Support	Passed
HB 229 Sub 1 Mental Health Professional Practice Act/ Rep. Keith Grover	This bill deletes face to face supervision requirements and allows certain training and supervision of and by certain mental health therapists to be conducted remotely; provides that no more than 50% of the total hours of supervision or training may be conducted remotely; provides that an associate marriage and family therapist is a mental health therapist; clarifies that the following mental health therapists may work as an independent contractor or a volunteer, under the supervision of a licensed mental health therapist: licensed certified social worker; licensed associate professional counselor; licensed associate marriage and family therapist; or licensed substance abuse counselor	Oppose	Failed
HB 234 Assertive Community Mental Health Treatment Pilot Program / Rep. Carol Spackman Moss	This bill establishes a pilot program, beginning on July 1, 2011, and ending on July 1, 2014, for the provision of assertive community treatment mental health services to eligible people who are not receiving, or are transitioning out of, other mental health services; grants rulemaking authority to the division; describes a person who is eligible to receive services under this bill; provides that a local mental health authority shall establish criteria to determine the order of priority for receiving services under this bill; provides that the services provided under the pilot program described in this bill do not constitute an entitlement and may be withdrawn from a person at any time; requires the director of the division to report, for consideration and decision, to the Health and Human Services Interim Committee during the 2012 interim, regarding whether the pilot program created by this bill should be modified or converted into an ongoing program; provides, under the Legislative Oversight and Sunset Act.	Support	Referred to Interim Study
HB 244 Sub 1 Online Mental Health Therapy/Rep. Keith Grover	This bill allows the following mental health therapists to establish an online practice and other forms of remote practice to individuals inside and outside of the state: a physician, surgeon, or osteopathic physician engaged in the practice of mental health therapy; an advanced practice registered nurse, specializing in psychiatric mental health nursing; a psychologist qualified to engage in the practice of mental health therapy; a clinical social worker; a certified social worker; a marriage and family therapist; a professional counselor; a social service worker; and substance abuse approved agencies; requires a mental health therapist to obtain informal consent from a patient prior to engaging in online therapy; and allows the Division of Occupational and Professional Licensing to make rules to implement online and other forms of remote therapy.	Oppose	Failed
HB 289 Psychologist Licensing Amendments/ Rep.	This bill requires a licensed psychologist to obtain certification by the division to obtain limited prescribing authority; establishes the requirements for: a prescription certificate; and a conditional prescription certificate provides continuing education requirements; requires a criminal background	Oppose	Failed

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Merlynn Newbold	check; and makes it unlawful conduct to prescribe without a prescription certificate.		
HB 454 State Hospital Revisions/ Rep. Brad Last	This bill requires the Division of Substance Abuse and Mental Health to establish by rule a formula to separately allocate adult beds at the state hospital to local mental health authorities; provides that, beginning on May 10, 2011, and ending on June 30, 2011, 152 beds at the state hospital shall be allocated to local mental health authorities under this bill; provides that the number of beds allocated under this bill shall be reviewed and adjusted as necessary on July 1, 2011, to restore the number of beds allocated to 212 beds, as funding permits, and on July 1, 2011, and every three years after July 1, 2011, according to the state's population.	No position taken	Passed
HB 481 Sub 1 Transportation of Mental Illness Patients/ Rep. Paul Ray	This bill authorizes a sheriff to charge \$2.50 for each mile necessarily traveled, in going only, in transporting a patient to or from a hospital or mental health facility.	Support	Passed
SB 253 State Hospital Amendments/ Sen. Stuart Adams	This bill requires the Division of Substance Abuse and Mental Health (division) to report to the Health and Human Services Interim Committee when the division determines that it is feasible for the state hospital to be decentralized and administered at the local level by being integrated with, and becoming a part of, community mental health services; requires that, on or before August 1, 2011, the division shall, in consultation with Privatization Policy Board, issue a request for proposals for a private entity under direction and control of the division: administer the state hospital; or administer the state hospital in partnership with the division describes requirements relating to the request for proposals; requires the division to award a contract to operate the state hospital to an entity that complies with the criteria described in this bill.	Oppose	Failed
SCR1 Crisis Intervention Team Program Concurrent Resolution / Sen. Patricia Jones	This resolution recognizes the Crisis Intervention Team training as the model of best practice for law enforcement intervention with persons who have a mental illness; and encourages law enforcement agencies and community mental health centers to work together in conjunction with other community partners to have a cadre of certified Crisis Intervention Team-trained officers in all jurisdictions; and develop and maintain active crisis intervention team programs regionally throughout the state.	Support	Passed
Appropriations: Base Budget Reductions HB 8 Sub 1 Social Services Base Budget	Budget reductions that were not backfilled for FY2012: Reduce Utah State Hospital funding by 10% -\$2,941,500 GF (partially backfilled), resulting in the closure of 30 beds in the adult civil commitment unit Reduce forensic competency examinations by 10% -\$42,300 GF Reduce Residential Mental Health Services for youth in state custody by 10% -\$87,700 GF Increase the productivity of State administration and technical assistance staff -\$134,400 GF ongoing plus an additional -\$11,000 cost savings		

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<p>Appropriations FY12: SB 2 New Fiscal Year Supplemental Appropriations Act and HB 4 General Obligation Bonds Authorizations</p>	<p>Restoration of reductions from HB 8 Sub 1: Reduce autism contracts by approximately 10% +\$207,200 GF ongoing Reduce mental health services for non-Medicaid eligible children and adults +\$2,184,600 ongoing State Hospital-reduce USH funding by 10% =\$1,100,000 GF one-time Drug Offender Reform Act –replace one-time funding +\$2,039,400 GF ongoing, +100,000 GF one-time</p> <p>Building Blocks funded: Provide mental health treatment services +\$3,336,000 GF ongoing Utah State Hospital Building Consolidation (children’s building) +\$25,000,000 construction,+\$14,500 operations and maintenance</p> <p>Building Blocks not funded: Provide ongoing funding for FY2012 for crisis intervention training -\$118,700 GF Provide ongoing funding to meet the increase in demand for court-ordered forensic evaluations \$69,000 GF</p>		
<p>HJR 24 Master Study Resolution</p>	<p>Community Mental Health Treatment - to study issues related to assertive community mental health treatment pilot program (H.B. 234).</p> <p>Utah State Hospital Issues - to study the relationship between the Utah State Hospital and local mental health authorities, the privatization of the Utah State Hospital, the future of the children's wing at the Utah State Hospital, and gaps in the community-based mental health system.</p>		
Department of Health			
Bill / Sponsor	Title	Position	Status
<p>SB 149 Qualifications for the Executive Director of the Department of Health/ Sen. Dan Liljenquist</p>	<p>This bill amends the qualifications necessary for the executive director of the Department of Health.</p>	<p>Follow</p>	<p>Passed</p>
Division of Family Health and Preparedness/ Bureau of Children with Special Health Care Needs			
<p>HB 258 Child Restraint Device Amendments/ Rep. Christopher Herrod</p>	<p>This bill provides that an operator of a motor vehicle is exempt from the requirement to use a child restraint device to restrain a person who is five years of age or older but younger than eight years of age if the operator of the motor vehicle is operating a motor vehicle on a road that has a posted speed limit of 45 miles per hour or less; provides that an operator of a vehicle shall provide for the protection of the person who is five years of age or older but younger than eight years of age by securing the person in a properly adjusted and fastened safety belt.</p>	<p>Oppose</p>	<p>Failed</p>
<p>Appropriations FY12 SB 2</p>	<p>Restoration of reductions from HB 8 Sub 1: Roll Back Provider Rates for Baby Watch/Early Intervention to Pre-July 1, 2008 + \$950,000 GF ongoing</p>		

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Division of Medicaid and Health Financing (Medicaid/CHIP)			
HB 77 Sub 2 Medical Assistance Accountability / Rep. David Clark	This bill provides that an inspector general of Medicaid services or the director of the Office of Internal Audit and Program Integrity shall designate and oversee the presiding officer in certain administrative appeal proceedings relating to Medicaid funds or services; describes other requirements relating to certain Medicaid related administrative appeal proceedings; 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.	Follow	Passed
HB 84 Sub 4 Office of Inspector General of Medicaid Services/ David Clark	In response to audits of the Utah Medicaid program, this bill creates, the Office of Inspector General of Medicaid Services within the Governor's Office of Planning and Budget, (office); to provide oversight of the Medicaid programs with regard to waste, fraud and abuse.	Follow	Passed
HB 174 Sub 1 Contracting for Medicaid Eligibility Determination Services / Rep. Wayne Harper	This bill requires the study of the state's eligibility determination system for Medicaid to determine whether consolidation of the system or privatization would create greater efficiencies; and requires a report of the study to the Legislature's Health and Human Services Interim Committee and the Social Services Appropriations Sub-committee prior to October 20, 2011.	Follow	Passed
HB 211 Community Service Medicaid Pilot Program / Rep. Ronda Menlove	This bill requires the state Medicaid program to develop a community service pilot program as part of the state Medicaid plan; requires the Medicaid program to present the proposal for a community service pilot program to the Legislature's Health and Human Services Interim Committee; and requires the Medicaid program to submit a Medicaid waiver to the Centers for Medicare and Medicaid Services by January 1, 2012, to implement the community service pilot program	Follow	Passed
HB 217 Appointment of Director of the Division of Health Care Financing / Rep. David Clark	This bill provides that the director of the Division of Health Care Financing shall be appointed by the governor, after consultation with the executive director of the Department of Health, with the advice and consent of the Senate.	Follow	Passed
HB 256 Sub 1 Children's Health Insurance and Medicaid Administrative Simplification / Rep. James Dunnigan	This bill requires the Department of Health to: apply for grants to fund a simplified enrollment and renewal process for Medicaid, Utah Premium Partnership, and Primary Care Network Demonstration Project programs; and if funding is 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 an applicant or enrollee's assets; and pay a reasonable fee to a financial institution for services; requires the Division of Health Care Financing to bid out Medicaid dental benefits; establish criteria for bidding out Medicaid dental benefits; and rebid the	Support	Passed

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	Medicaid dental benefits at least once every five years; requires the Children's Health Insurance Plan to apply for grants to fund a simplified enrollment process; when funding is available, requires the Children's Health Insurance Plan to establish a simplified enrollment process in which the eligibility worker may, if the applicant provides consent, confirm the adjusted gross income of the applicant from the State Tax Commission; and requires the State Tax Commission to provide the Department of Health or its designee with access to an applicant's adjusted gross income.		
HB 357 Long-term Care Amendments/ Rep. Paul Ray	This bill directs the Department of Health to apply for, on or before July 1, 2011, an amendment to the New Choices Waiver so an individual being evaluated for Medicaid benefits will not have to move from the individual's place of residence; and prohibits the department from requiring an individual to change residences in order to be evaluated for Medicaid benefits.	Support	Referred to Interim Study
HB 360 Housing Alternatives for Nursing Home Eligible Parolees/ Rep. Eric Hutchings	This bill authorizes the director of the Division of Healthcare Financing to issue Medicaid certification for additional beds to meet the needs of nursing home eligible parolees.	Follow	Failed
HB 482 Sub 1 Long-term Care Facility-Medicaid Certification for Bed Capacity Amendments/ Rep. Eric Hutchings	This bill allows the Division of Healthcare Financing within the Department of Health, under certain conditions, to renew Medicaid certification of a nursing care facility not currently certified.	Follow	Passed
SB 41 Health Amendments for Legal Immigrant Children/ Sen. Luz Robles	This bill exercises the option to remove the five-year residency requirement for a legal immigrant child to be eligible for coverage under Medicaid or the Utah Children's Health Insurance Program; and directs the Department of Health to amend the state Medicaid plan and the Utah Children's Health Insurance Program to provide coverage to an eligible legal immigrant child, regardless of the length of time that the child has been in the United States.	Support	Failed
SB 137 Sub 3 Medicaid Amendments / Sen. Allen Christensen	This bill amends the Medicaid drug program to remove restrictions on the preferred drug list program; requires the department to authorize a nonpreferred immunosuppressant and psychotropic drug when the patient is stabilized; requires a report from the Department of Health regarding cost savings to the Medicaid drug program from the use of a preferred drug list.	Support	Failed
SB 180 Sub 2 Medicaid Reform/ Sen. Dan Liljenquist	This bill requires the Department of Health to develop a proposal to modify the Medicaid program in a way that maximizes replacement of the fee-for-service delivery model with one or more risk-based delivery models; specifies criteria for the proposal; requires the department, to the extent possible, to develop the proposal with the input of stakeholder groups representing those who will be affected by the proposal; requires the department to report to the Legislature on the development of the proposal; requires the department to submit a request to the Centers for Medicare and Medicaid Services for waivers from federal law to implement the proposal; directs the department to implement the proposal in the fiscal year following the fiscal year in which the waivers are approved; provides definitions; creates the Medicaid Growth Reduction and Budget Stabilization Account restricted account; specifies conditions under which Medicaid growth savings shall be	Follow	Passed

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	transferred or appropriated to the account; provides that Medicaid growth savings not transferred into the account shall be included in the base budget for the second following fiscal year; specifies the priority of the account's claim on General Fund revenue surplus; specifies how money in the account may be used.		
SB 202 Pharmaceutical Competitive Pricing/ Sen. Curtis Bramble	This bill amends the Medical Assistance Act to establish a competitive bidding process for drug product equivalents This bill defines terms; establishes criteria for the competitive bidding process; and requires the Division of Health Care Financing to rebid the program at least once every five years.	Follow	Failed
Appropriations: Base Budget Reductions HB 8 Sub 1 Social Services Base Budget	<p>Highlights of budget reductions that were not backfilled for FY2012. These items are primarily in the areas of provider reimbursement, efficiencies, waste fraud and abuse:</p> <p>Reduction in Radiology Reimbursements (prior authorization for CT scans) -\$72,900 GF ongoing More Aggressively Update and Lower the State's Maximum Allowable Cost (Pharmacy) -\$1,845,500 GF ongoing (1/2 restored see below) Expansion of 340B Drug Pricing Program -\$50,000 GF ongoing Extrapolation of Provider Errors to all claims -\$1,848,600 GF ongoing Close Provo Medical and Dental clinic -\$146,00 GF ongoing Stop Paying for Preventable Medical Errors -\$45,000 GF ongoing Estimated Results from PEHP Working with Medicaid -\$200,000 GF ongoing Savings from the New Choices Waiver -\$145,000 GF ongoing</p>		
Appropriations FY12: SB 2 New Fiscal Year Supplemental Appropriations Act and SB 3 Appropriations Adjustments	<p>Highlights of restorations of reductions from HB 8 Sub 1:</p> <p>Limit Optional Personal Care Services to Achieve 20% Savings +\$65,000 GF ongoing Eliminate Physical and Occupation Therapy +\$83,000 GF ongoing Reduce PCN and UPP Eligibility from 150% FPL to 133% FPL +\$928,000 GF ongoing Limit Optional Coverage of Transplant Surgeries +\$160,000 GF ongoing Eliminate Optional Hospice Services +\$980,00 GF ongoing Medicaid Federal Administrative Policy Changes +\$395,000 GF ongoing, +\$395,000 GF one-time Eliminate Medicaid Interpreter Services +\$121,700 GF ongoing State's Maximum Allowable Cost (Pharmacy) +\$922,800 one-time (1/2 of reduction)</p> <p>Build Blocks funded:</p> <p>Medicaid Caseload Growth +\$19,455,100 GF ongoing, +\$13,882,600 GF one-time CHIP Caseload Growth +\$1,422,800 GF ongoing Medicaid Assistance Percentage (FMAP) Rate Adjustment +\$3,076,200 GF ongoing Medicaid Mandatory Provider Inflation +\$2,660,600 GF ongoing Medicaid Management Information System- Phase II +\$3,000,000 GF one-time</p> <p>Reductions from SB 3:</p> <p>Mandatory Services -\$991,400 GF Medicaid Optional Services -\$508,600</p>		

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Intent Language	<p>The Legislature intends that the Department of Health provide a report to the Office of the Legislative Fiscal Analyst by December 1, 2011 on the status of implementing recommendations from the following audits: (1) A Performance Audit of Utah Medicaid Provider Cost Control and (2) A Follow-up of Utah's Medicaid Implementation of Audit Recommendations. The items to be followed up on would be less to the extent that an Independent Medicaid Inspector General is established and takes over the responsibility for implementation of some recommendations. The report would not be needed if a follow up audit is prioritized for the Legislative Auditor General by July 1, 2011.</p> <p>The Legislature intends that the Department of Health report by October 1, 2011 to the Office of the Legislative Fiscal Analyst on reimbursement alternatives for inpatient hospital outlier payments that would give the State more control over inflationary increases and/or move away from a reimbursement based on billed charges. The report also shall explain the measures the Department takes to verify the validity of outlier claims. This report should include a report on any other reimbursements based on billed charges that totaled over \$1,000,000 total funds in FY 2011 and options for moving away from paying as a percentage of billed charges.</p> <p>The Legislature intends that if SB 180 Medicaid Reform passes, the Department of Health shall issue requests for information and report back a summary of the results to the Office of the Legislative Fiscal Analyst by four months prior to providing services via new contracts.</p> <p>The Legislature intends that the Department of Health report quarterly to the Office of the Legislative Fiscal Analyst on the status of replacing the Medicaid Management Information System replacement beginning September 30, 2011. The reports should include, where applicable, the responses to any requests for proposals.</p> <p>The Legislature intends that the Departments of Health, Human Services, and Workforce Services report to the Office of the Legislative Fiscal Analyst by November 1, 2011 on how they will increase public awareness of their fraud reporting systems and encourage the public to report Medicaid fraud.</p> <p>The Legislature intends that the Departments of Health, Human Services, Workforce Services, and the Medicaid Fraud Control Unit report to the Office of the Legislative Fiscal Analyst by July 1, 2011 on how they will coordinate their response to the 34 recommendations within the State's control from State agencies contained in the issue brief entitled Medicaid Survey Results. Additionally, these agencies shall report by December 1, 2011 on specific plans of action or reasons for not acting on the 34 recommendations so that the Legislature may decide what additional action may be needed.</p> <p>The Legislature intends that the Departments of Health, Human Services, Workforce Services, and the Medicaid Fraud Control Unit report to the Office of the Legislative Fiscal by January 1, 2012 on plans to follow up feasible recommendations that could be implemented from the 945 comments from the public in the issue brief entitled Medicaid Survey Results. This report will allow the Legislature to decide what additional action may be needed.</p> <p>The Legislature intends the Department of Health and the Department of Workforce Services study the cost and benefits of potentially using additional tools for provider screening, asset verification, and beneficiary screening and report back recommendations for further action to the Office of the Legislative Fiscal Analyst by September 1, 2011.</p>
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	<p>The Legislature intends the Department of Health and the Department of Human Services study the cost and benefits of having a single point of entry to determine eligibility for clients seeking any type of Medicaid long term care services. The Departments shall additionally report on the potential cost and benefits of using a non-State entity to provide the single point of entry services. The Departments shall report back recommendations for further action in one combined report to the Office of the Legislative Fiscal Analyst by September 1, 2011.</p> <p>The Legislature intends that when the Department of Health moves to Medicare-like outpatient payment methodologies beginning July 1, 2011 that hospital outpatient payments not be stopped or held pending adoption of this new methodology but rather that payments continue at the current rate until the department fully implements this new payment methodology so that no payment disruptions occur.</p> <p>The Legislature intends that the Department of Health not adjust Medicaid pharmacy rates as a result of the Legislature not providing new funding for new pharmacy inflation in FY 2012. Additionally, the Legislature intends that the Department of Health report to the Office of the Legislative Fiscal Analyst by December 1, 2011 on pharmacy inflation experienced during fiscal year 2012.</p> <p>The Legislature intends that the Department of Health fund the \$485,600 one-time General Fund costs of changing to a capitated dental service program in Medicaid within existing appropriations. If existing appropriations prove to be insufficient, the Legislature intends that the Department of Health request funding in future years to cover the one-time costs of changing to a capitated dental service program in Medicaid</p>
<p>HJR 24 Master Study Resolution</p>	<p>Amendment to Health Waiver - to study whether to seek an amendment to the New Choices Waiver that will not require individuals to leave their current residence to be evaluated for the receipt of benefits under the waiver (H.B. 357).</p> <p>Double Counting Due to Transfers Between Departments - to study and identify a budgeting method to remove the double counting in Medicaid due to transfers between the Department of Health and other state agencies.</p> <p>High Medicaid System Use - to study the geo mapping of those who frequently utilize the Medicaid system and use the information for preventative purposes.</p> <p>Medicaid Statute Review and Consolidation - to study and review Medicaid statutes for clarification in assigned responsibilities, desired policy direction, and agency interactions and consider raising all the statutes relating to Medicaid from chapter level in statute to a separate title and consolidate all related statutes within that title.</p> <p>Medicare Recommendations - to study the five recommendations from the Henry J. Kaiser Foundation's September 2009 report on Medicare and provide options for implementation in the Medicaid program.</p> <p>False Claims Act Changes - to study changes to the False Claims Act to provide for qui tam actions for Medicaid fraud prevention in accordance with the Federal Deficit Reduction Act of 2005 (S.B. 103).</p>

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Medicaid Fraud Control Unit Resources - to study the return on investment for resources provided to the attorney general's Medicaid Fraud Control Unit and the feasibility of increased recoveries if the unit is provided with more resources.			
State Board of Education			
Bill / Sponsor	Title	Position	Status
Office of Education			
HB 123 K-12 Education Amendments/ Rep. Kenneth Sumsion	This bill modifies how money appropriated for the basic state-supported school program is distributed to school districts and charter schools; eliminates programs that provide funds for specific purposes; and makes technical amendments.	Oppose	Failed
HJR 24 Master Study Resolution	<p>Bullying in Elementary and Secondary Schools - to study the impact of bullying, cyber bullying, harassment, sexual battery, sexual exposure, and related behaviors in elementary and secondary schools, and its impact on education (H.J.R. 27, S.B. 304).</p> <p>Education Funding Allocation - to study and review ways to change education funding allocation methodology (H.B. 123).</p> <p>Office of Education - to study the functions of the Utah State Office of Education.</p> <p>Preschools in Elementary and Junior High Schools - to study preschools in elementary and junior high schools and whether they compete with private enterprise (H.B 181).</p> <p>School Busing - to study whether to base school busing on the age of the student.</p> <p>School Funding - to study public and charter school funding and the WPU.</p>		
Special Education Services			
Appropriations FY12 SB 1 Sub 1 Public Education Base Budget and HB 2 Sub 2 Minimum School Program and Public Education Budget Amendments	<ul style="list-style-type: none"> • Funds were first assigned in Senate Bill 1, 1st Substitute. In this bill, funds were appropriated for the growth in student population. • 2nd Substitute HB 2 increased the value of the WPU to \$2,816, except for the Special Education Add-on, which is valued at \$2,577 per student. • 2nd Substitute HB 2 also increased the total appropriation to several programs, including Preschool, Add-on, Self Contained, Extended Year, and State Programs. <p>Funds distribution:</p> <ol style="list-style-type: none"> 1. Special Education Preschool - \$25,873,408 (increase of \$2,796,373 from last year). 2. Special Education Add-on - \$167,994,630 (increase of \$3,316,599 from last year). 3. Special Education Self Contained \$39,835,136 (increase of \$3,404,087 from last year). 4. Special Education Extended Year (ESY) \$1,134,848 (increase of \$122,087 from last year). <ol style="list-style-type: none"> a. This is Extended School Year for students with significant disabilities who require continued services throughout the summer as a result of significant regression and recoupment. This does not include “summer school” 		

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	<p style="text-align: center;">programs.</p> <p style="text-align: center;">5. Special Education State Programs (which now includes the extended year stipends for special educators) - \$7,650,496 (increase of \$3,073,744 from last year, but now includes \$2,559,744 of stipends. Actual increase is \$474,000)</p> <p>In total, special education funding in the state increased by 5.6% (2.6% of this was due to enrollment growth). Carson Smith Special Needs Scholarship received in increase of \$538,200 (total \$3,738,200). No change in funding to the Paraeducator to Teacher Scholarship program.</p>		
Schools for the Deaf and Blind			
HB 398 Utah State Instructional Material Access Center Funding/ Rep. Stephen Handy	This bill states that the Utah Schools for the Deaf and the Blind shall operate the Utah State Instructional Materials Access Center to the extent that funds are received from the Legislature and school districts; states that if a school district orders materials from the Utah State Instructional Materials Center, the school district is required to pay its share of the cost of those materials; and authorizes the Utah State Office of Education to withhold funding from a school district that breaches its obligation to pay for the Utah State Instructional Materials Center materials in the amount still due under the contract.	Support	Failed
HB 415 Schools for the Deaf and Blind Foundation/ Rep. Stephen Handy	This bill authorizes the Utah Schools for the Deaf and Blind to establish a non-profit foundation.	Support	Passed
HB 459 Education Interpretation Services for Deaf and Hearing Impaired Students/ Rep. Don Ipson	This bill amends membership provisions of the Interpreters Certification Board within the State Board of Education; provides that the Interpreters Certification Board may recommend certification be revoked if the board finds an individual attempted to create a monopoly for interpretation services; provides a one-year exemption from interpreter certification for an individual providing interpretive services at an institution of higher learning; prohibits interpreter service companies from forming a monopoly or engaging in price fixing.	Oppose	Failed
Appropriations FY12 SB 1 Sub 1 Public Education Base Budget and HB 2 Sub 2 Minimum School Program and Public Education Budget Amendments	USDB received \$2,584,400 for transportation \$22,753,700 for general programs and services (including \$490,000 of funds for USIMAC), \$100,000 for the playground at JMS \$9,700 for increased costs for services from other agencies (such as the attorney general's office). They were reduced by \$116,000 in benefit costs. Total: \$25,331,800.		
Intent Language	The Legislature intends that the Utah Schools for the Deaf and the Blind allocate \$100,000 of the appropriation for the Support Services program to construct an accessible playground at the Salt Lake campus.		
HJR 24 Master Study List	Deaf and Blind Education- to study the education of Utah's deaf and blind children. Serving Deaf and Blind Children – to study the best methods for serving deaf and blind children		

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State Office of Rehabilitation			
HB 240 Social Services Employment First Priority / Rep. Ronda Menlove	This bill requires the Department of Workforce Services, the Utah State Office of Rehabilitation, and the Division of Services for People with Disabilities to, when providing services to a person with a disability, give priority to providing services that assist the person in obtaining and retaining meaningful and gainful employment; and requires the entities to develop a written plan to implement the policy described and annually set goals to implement the policy and plan, determine whether the goals for the previous year have been met, and modify the plan as needed.	Support	Passed
SB 67 Sub 1 Annual Eye Examination for Children in Grades Kindergarten Through Three/ Sen. Luz Robles	This bill extends the public school vision screening from age seven to age eight; requires a public school that performs vision screening to develop a process to notify a parent or guardian if a child fails the vision screening or needs follow-up care; and provides limited immunity to volunteer vision screeners who are trained or supervised by the State Office of Education.	Follow	Passed
SB 209 Telecommunications Amendments/ Sen. Curtis Bramble	This bill provides that the existing surcharge on residential and business lines, for the provision of telecommunications devices to hearing and speech impaired persons, shall apply to each access line for residential and business telephone service and each telephone number for mobile telephone service reduces the maximum surcharge from 25 cents to 20 cents	Support	Passed
Appropriations: Base Budget Reductions HB 8 Sub 1 Social Services Base Budget	Budget reductions that were not backfilled for FY2012: Increase efficiency for sensory impairment specialists for the blind -\$304,500 EF Reduce Benefits Planning Outreach and Assistance -\$13,000 EF Reduce funding for Disabilities Determination Services Advisory Council -\$8,500 EF Administration-Reduction in current expense – training and travel -\$129,000 EF		
Appropriations FY12: SB 2 New Fiscal Year Supplemental Appropriations Act and SB 3 Appropriations Adjustments	Restoration of reductions from HB 8 Sub 1: Reduce client services in Vocational Rehabilitation +\$800,000 EF ongoing Reduce contract funding to Independent Living Centers +\$242,600 EF ongoing EF Robert G. Sanderson Community Center – Reduction in Part-time mentors +\$200,000 EF ongoing Utah Center for Assistive Technology – Sensory Impairment Specialist +\$70,000 EF ongoing Building Blocks funded: Independent Living Centers Contracts + \$150,000 EF ongoing Deaf and Hard of Hearing + \$95,000 EF ongoing Assistive Technology + \$200,00 EF ongoing Blind and Visually Impaired + \$20,000 EF one-time (SB 67 Sub 1 Annual Eye Examination) Deaf and Hard of Hearing + \$200,000 to ICAN Program (SB 209 Telecommunications Amendments)		
Miscellaneous Disability Related Legislation			
Bill / Sponsor	Title	Position	Status
HB 8 Sub 1 Social Services Base Budget /	This bill appropriates funds for the support and operation of state government for the fiscal year beginning July 1, 2011 and ending June 30, 2012. This bill provides appropriations for the use	Follow	Passed

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Rep. David Clark	and support of certain state agencies; provides appropriations for other purposes as described. This bill appropriates for fiscal year 2012: \$648,292,900 from the General Fund; \$15,643,300 from the Education Fund; \$3,006,451,000 from various sources as detailed in this bill.		
HB 41 State Capitol Preservation Board Fee Revisions/ Rep. Neal Hendrickson	This bill establishes rental rates for State Capitol facilities during the 2011 General Session of the Utah State Legislature.	Support	Passed
HB 155 Cycling Laws/ Rep. Carol Spackman Moss	This bill provides that a person operating a bicycle approaching a stop sign shall stop before entering the intersection; and provides an exception for a person operating a bicycle approaching a stop sign to cautiously make a turn or proceed through the intersection without stopping if the person: slows to a reasonable speed; yields the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard; has reasonably determined the movement can be made safely and without interfering with the movement of any vehicle or pedestrian; and is 18 years of age or older.	Oppose	Failed
HB 172 Service Animal Amendments/ Rep. Keith Grover	This bill amends the definition of a "service animal" to follow the federal definition.	Support	Passed
HB 204 Sub 1 Protection of Athletes with Head Injuries / Rep. Ray	This bill requires an amateur sports organization to adopt and enforce a concussion and head injury policy; and inform a parent or legal guardian of the policy and obtain the parent's or legal guardian's signature on the policy before permitting a child to participate in a sporting event; describes the requirements of a concussion and head injury policy; requires removal of a child from a sporting event when the child is suspected of sustaining a concussion or traumatic head injury; and prohibits a child described in the preceding paragraph from participating in a sporting event of the amateur sports organization until the child receives medical clearance from a qualified health care provider trained in the evaluation and management of a concussion.	Support	Passed
HB 212 Sub 2 Charges by Health Providers for Medical Records/ Rep. Francis Gibson	This bill establishes a time limitation for a health care provider to provide medical records to a patient, a patient's personal representative, or a third party establishes charges that a health care provider may charge when copying a patient's medical records; and provides a repeal date.	Support	Passed
HB 230 Sub 1 Disability Amendments / Rep. Paul Ray	This bill except where impracticable due to language used in federal law, uniform law, interstate compacts, or case law, replaces terms as follows: replaces the term "mental retardation," and its variations, with "intellectual disability"; replaces the term "crippled," with "disability"; replaces the term "disabled person," and similar references, with the term "person with a disability" or similar variations; replaces the term "mentally ill person" and similar references, with the term "person with a mental illness" or similar variations; replaces the term "paraplegic" and similar references, with the term "person with paraplegia" or similar variations; replaces the term "guilty and mentally ill," with the term "guilty with a mental illness"; replaces the term "guilty of a lesser offense and mentally ill," with the term "guilty of a lesser offense with a mental illness"	Support	Passed
HB 233 Sub 1 Insurance Coverage for Amino	This bill provides that a health benefit plan may provide coverage for the use of an amino acid-based elemental formula, regardless of the delivery method of the formula, for the diagnosis or treatment	Support	Failed

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Acid-based Formula/ Rep. Carol Spackman Moss	of an eosinophilic gastrointestinal disorder if a licensed physician issues a written order stating that the formula is medically necessary; grants rulemaking authority to the Insurance Commissioner; provides that the coverage described in this bill may be similar to, or identical to, the coverage provided for other illnesses or diseases.		
HB 284 Guardianship Amendments/ Rep. Craig Powell	This bill creates a method within the courts for the appointment, acceptance, and termination of a guardian or conservator for minors or incapacitated adults; requires a court to enter findings identifying function limitations of a protected person and provides elements for the court to weigh; allows a parent or guardian to delegate to another by power of attorney not exceeding six months specific authority over a protected person; allows the court to require a guardian to furnish a bond; sets parameters for compensation and reimbursement of expenses; gives the guardian of a minor the same responsibilities as a parent unless limited by the court; sets procedures for appointment of a guardian for an adult, provides duties, and limits the guardian's authority to what is contained in the court order; delineates specific authority and actions for conservators; limits what a conservator may delegate; allows the Judicial Council to exempt certain classes of guardians and conservators from the filing of management plans and annual reports by court rule; eliminates expedited guardianship proceedings for residents of the Utah State Developmental Center;	Follow	Referred to Interim Study
HB 342 Bicycle Helmet Requirements/ Rep. Craig Powell	This bill provides that an owner of a bicycle or moped may not knowingly allow a person under the age of 12 to operate or ride on a bicycle or moped on a highway unless the person is wearing protective headgear; adopts the standards and specifications with which the protective headgear must comply; and provides that the failure to wear protective headgear: does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.	Support	Failed
HB 405 Sub 1 Charges for Medical Records/ Rep. Francis Gibson	This bill requires a person authorized to provide medical records, other than a health care provider, to provide the medical records within 30 days after the request; establishes charges that a person authorized to provide medical records, other than a health care provider, may charge when copying medical records; and provides a repeal date.	Support	Passed
HB 451 Tobacco Settlement Funds Amendment/ Rep. David Litvack	This bill diverts 40% of tobacco settlement funds from the permanent state trust fund to the General Fund.	Support	Passed
HCR 5 Patient and Safety-centered Prescription Labels Concurrent Resolution/ Rep. Marie Poulson	This resolution urges individuals to assume primary responsibility for the proper and safe use, storage, and disposal of any drug prescribed to them, and to encourage their dispensers to provide adequate instruction on how to fulfill those responsibilities; urges the Utah Pharmacy Board, the Utah Pharmacists Association, and other related groups to meet regularly during 2011 to develop a prescription label format that is patient- and safety-centered; urges the Utah Pharmacy Board and the Utah Pharmacists Association to provide project updates and present the improved prescription label format to the Legislature's Health and Human Services Interim Committee.	Support	Passed
HCR 9 Lupus Awareness Month Concurrent	This resolution designates May 2011 as Lupus Awareness Month in the state of Utah.	Support	Passed

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Resolution/ Rep. Tim Cosgrove			
HJR 35 Utah Mitochondrial Disease Awareness Week Joint Resolution/ Rep. Kenneth Sumison	This resolution designates September 5 through September 11, 2011, as Mitochondrial Disease Awareness Week in the state of Utah..	Support	Passed
SB 48 Alzheimer's State Plan Task Force/ Sen. Karen Morgan	This bill establishes an Alzheimer's State Plan Task Force within the Division of Aging and Adult Services in the Department of Human Services.	Support	Passed
SB 106 Sexual Exploitation Amendments / Sen. David Hinkins	This bill enacts the Sexual Exploitation Act; consolidates criminal provisions relating to sexual exploitation of a vulnerable adult and sexual exploitation of a minor; makes legislative findings; modifies and clarifies criminal provisions relating to sexual exploitation of a minor and sexual exploitation of a vulnerable adult; modifies the conduct that constitutes sexual exploitation of a vulnerable adult; makes sexual exploitation of a vulnerable adult a third degree felony; provides that it is a separate offense of sexual exploitation of a vulnerable adult for each vulnerable adult depicted, and each time the vulnerable adult is depicted, in vulnerable adult pornography; provides an affirmative defense to the crime of sexual exploitation of a vulnerable adult; provides exceptions from criminal and civil liability for legitimate law enforcement activities; provides that it is not a defense to a crime described in this bill that the accused did not know the age of the victim.	Support	Passed
SB 134 Transparency in Health Care Provider Advertising/ Sen. Jerry Stevenson	This bill requires a health care provider to include certain information about the license and title of the health care provider in any advertisement for the health care provider's services; defines advertisement; and makes it unprofessional conduct to violate the advertisement requirements.	Support	Passed
SB 223 Guardianship Revisions/ Sen. Ben McAdams	This bill requires the Office of Public Guardian (office) to grant visitation rights, of at least four hours per week, to a parent of a vulnerable adult who is a ward of the office if visitation is appropriate.	Follow	Failed
SB 186 Utah Medical Practice Act Amendments/ Sen. Stuart Adams	This bill amends definitions; prohibits an individual from using the title "doctor," "M.D." or D.O in a misleading manner; clarifies licensing requirements; clarifies disciplinary procedures; and makes technical changes.	Follow	Passed
SJR 7 Sub 1 Fibromyalgia Awareness Day Joint Resolution/ Sen. Peter Knudson	This resolution designates May 12, 2011, as Fibromyalgia Awareness Day in the state of Utah.	Follow	Passed
HJR 24 Master Study Resolution	Lapsing Funds - to study issues related to money lapsing in restricted accounts. State Use Program - to study the benefits of the State Use Program outlined in Utah Code Section 63G-6-425. Medical Insurance Coverage for Older Disabled Children - to study whether to provide medical insurance coverage requirements		

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	for parents of a child age 18-26 with a disability.
	Guardianship - to study issues related to guardianship (H.B. 284).

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