



# 2022 Legislative Update

Noel C. Nye, D.O. UMA President

# UMA Bills

- ▶ **HB 301 - Medication Dispenser Amendments** (Rep. Ward, MD and Sen Kennedy, MD):
  - ▶ HOD Resolution
  - ▶ Bill allows physicians to dispense certain prepackaged legend drugs to their patients for acute (30 day) conditions that they have seen the patient for that same day.
  - ▶ Prescriber must be part of a licensed Dispensing Medical Practice that has policies and procedures in place for labeling, storing, theft, reporting to DOPL, etc.
  - ▶ Dispensing Medical Practice must assign a Dispensing Medical Practitioner to be responsible for compliance with rules – similar requirements for pharmacy.
  - ▶ Rules, compliance and licensing cost determined by DOPL

**Passed**



# UMA Bills

➤ **HB 344 – Utah Medical Candor Act and HJR 13 – Joint Resolution Amending Court Rules of Procedure and Evidence to Address the Medical Candor Process** (Rep. Nelson and Sen. Kennedy, MD):

- This bill and resolution create a voluntary, confidential, non-discoverable, early resolution process for adverse medical events.
- The process is voluntary by all sides.
- The process allows a healthcare provider to initiate and invite a patient to participate in a process where the provider shares information about the adverse event to help the patient understand what happened, why, and what will be done to prevent future problems of the same sort.
- Discussions are protected and material created specifically for the process are protected from discovery.
- Patient can stop process at any time and move forward with a lawsuit but all materials, except those they can already discover (i.e. medical record), are protected and cannot be used in a lawsuit.

**Passed**



# UMA Priority Bills

➤ **HB 295 – Physician Workforce Amendments** (Rep. Maloy and Sen. Vickers):

- This bill provides money to expand existing medical residency programs and begin new ones. Requires a new forensic psychiatric fellowship specifically to help out jails with psychiatric needs
- Funding is \$5 M for FY2023 and \$2 M ongoing

Passed

➤ **SB 185 – Children’s Health Coverage Amendments** (Sen. Escamilla and Rep. Schultz):

- UMA HOD Resolution
- Would have expanded eligibility for the Medicaid and CHIP programs to include ALL Utah children, regardless of legal status
- Cost: \$9 M in ongoing funding
- Controversial because of immigration status

**Passed Senate but not considered in the House**



# UMA Priority/Support Bills

➤ **SB 121- Anesthesiologist Assistant Licensing Act** (Sen. McKell and Rep. Shultz):

- This bill allows trained and licensed Anesthesiologist Assistant to provide anesthesia care in Utah under the supervision of an Anesthesiologist.
- Anesthesiologist priority bill

**Passed**

➤ **HB 32 – Health Care Worker Protection Amendments** (Rep. Spendlove and Sen. Ipson):

- Enacts enhanced penalties for assault or threat of violence against health care workers (including in physician offices)
- Office/Hospital does not have to report but can

**Passed**



# UMA Priority/Support Bills

- ▶ **HB 443 – Utah Inland Port Authority** (Rep. Shultz and Sen. J. Stevenson):
  - ▶ Human Health Risk Assessment (HHRA) HOD Resolution
  - ▶ Modifies Inland Port Authority governing code
  - ▶ Modifies provisions relating to the Authority policies and procedures
  - ▶ Infrastructure comply with design and safety standards for public infrastructure
  - ▶ Encourage, incentivize, or require development that mitigates noise, air pollution, light pollution, surface and groundwater pollution and other negative environmental impacts
  - ▶ \$40 M toward environmental studies – we will push for HHRA

**Passed**



# UMA Priority/Support Bills

## **HB80 – Diabetes Prevention Program** (Rep. Harrison, MD and Sen. Vickers):

- Authorizes Medicaid program to reimburse a provider for certain diabetes prevention services – reimburses provider for enrollee participation in the National Diabetes Prevention Program developed by the CDC.
- Appropriates funds for program

**Passed**

## **HB384 – Anesthesia and Sedation Amendments** (Rep. Harrison, MD and Sen. Kennedy, MD):

- DOPL will establish safety standards for sedation and anesthesia
- Bill sets up parameters for anesthesia care done in offices
- Defines deep sedation, moderate sedation and minimal sedation, general anesthesia, general anesthetic
- Requires outpatient anesthesia and sedation providers that use moderate or deep sedation or general anesthesia in an outpatient setting to give certain information to patients

**Passed**



# UMA Neutral/Opposition Bills

## HB 60 – Vaccine Passport Amendments (Rep. Brooks and Sen. Kennedy, MD) (32 House co-sponsors):

- Bill enacts a prohibition on the use of an individual's immunity status by places of public accommodation, governmental entities and employers (ALL VACCINES)
  - Unless required by CMS and CMS funds employer
  - Employee works where they have direct exposure to human blood, human fecal matter or other potentially infectious materials
  - Employee is acting in a public health or medical setting
- Gov Entities must allow the employee to abstain from vaccine if:
  - Injurious to health and well being of employee
  - Conflict with a religious belief
  - Conflict with personal belief

**Failed**





# UMA Neutral/Opposition Bills

## **HB 63 – COVID-19 Vaccine Exemptions** (Rep. Burton and Sen. Cullimore):

- Requires employer to exempt an employee or prospective employee for COVID-19 vaccine requirement if the employee submits a primary care provider's note stating that the individual was previously infected with COVID-19
- Can't separate an employee of Gov entity from another employee solely because of COVID-19 vaccination status
- Employee does not include an employer who is subject to CMS –while CMS requirement for vaccine remains in place
  - This employer can require proof of COVID-19 vaccination without exemption if employer establishes nexus between requirement and employee's assigned responsibilities/duties
- Exemptions from requirement also for:
  - Statement that receiving COVID-19 vaccine would be injurious to health, conflict with religious belief, conflict with personal believe

**Passed**



# UMA Neutral/Opposition Bills

- ▶ **HB 116 – Medical Billing Amendments** (Rep. Winder and Sen. Escamilla):
  - ▶ Bill prohibited a health care provider for seeking payment for medical services from an insurer or a patient if:
    - ▶ The provider had not billed an insurance company or patient (or patient's rep) within 90 days of the end of the service or procedure
  - ▶ If provider billed insurance within allowed billing period, can bill any time thereafter
  - ▶ If provider billed patient, at last known email or mailing address within the billing period, then can continue to bill at any time

**Failed**



# UMA Neutral/Opposition Bills

## **HB 127 – Medical Practice Amendments** (Rep. Shipp -):

- This bill would have restricted “medically unnecessary” puberty inhibition procedure or a sex characteristic-altering procedure on a minor
  - Defined as:
    - Administering or supplying an individual younger than 18 years old with aromatase inhibitors)
    - Puberty inhibition procedure or Sex Characteristic altering procedure (excluding for those born with sex characteristics that are irresolvably ambiguous etc.
      - Unless procedure is for:
        - Precocious puberty
        - Idiopathic short stature
        - Endometriosis
        - A sex hormone-stimulated cancer

**Failed (Did not get out of Rules Committee in the House)**



# UMA Neutral/Opposition Bills

- ▶ **HB 167 – Mental Illness Psychotherapy Drug Task Force** (Rep. Brammer and Sen. Vickers):
  - ▶ Creates the TF
  - ▶ Requires TF to study and make recommendations on drugs that may assist in treating mental illness
  - ▶ Look at psychotherapy drugs that are controlled substances that are not currently available for legal use (i.e. psychedelics) that MAY be able to treat, manage, or alleviate symptoms from mental illness

**Passed**



# UMA Neutral/Opposition Bills

- ▶ **HB 400 – Associate Physician License Amendments** (Rep. Barlow, MD and Sen. Kennedy, MD):
  - ▶ Allows an associate physician to practice for up to six years under the supervision of a fully licensed physician but then they must continue their education
  - ▶ Removes restrictions that associate physician practice only in primary care
  - ▶ Removes some of the specific supervision requirements (How many charts to check, etc.)
  - ▶ UMA amended (would have done away with limitation on number of years an associate physician could practice in that space)

**Passed**



# Scope of Practice Bills

- **SB 154 – Naturopathic Physician Amendments** (Sen. Kennedy, MD and Rep. Dunnigan):
  - Got rid of formulary committee and replaced with FDA categories of non-controlled substances that Naturopaths can prescribe
  - No expansion into controlled substances
  - Cannot expand into any new drug categories that the FDA develops unless physician licensing board and naturopathic licensing board agree to expansion

**Passed**

- **SB 84 – Chiropractic Practice Amendments** (Sen. McKell and Rep. Peterson):
  - Allows chiropractors to order MRIs, Ultrasounds and CTs for diagnostic purposes only.
  - Cannot “use” or interpret results

**Passed**



# Scope of Practice Bills

- ▶ **SB 151 – Advanced Practice Registered Nurse Compact** (Sen. Bramble and Rep. Dunnigan):
  - ▶ Compact to allow NPs to practice in multiple states
  - ▶ Would over-ride Utah law on prescribing authority, supervision and collaboration and allowed for no oversight unlike other compacts
  - ▶ We got language included stating that “Notwithstanding any provision in (the compact) (the compact) does not supersede state law related to an individual’s scope of practice under this title”
  - ▶ We also have a letter from DOPL stating that the compact does not override Utah law with respect to supervision and collaboration and prescribing

**Passed**



# Scope of Practice Bills

- ▶ **HB 224 – Optometrist Practice Amendments** (Rep. Dunnigan and Sen. Bramble):
  - ▶ UMA joined with UOS to fight
  - ▶ Bill would have allowed optometrists to perform laser surgery on the eye with few exceptions. Later amended to three procedures.
  - ▶ Would have allowed them to do other surgeries and expanded their prescribing ability
  - ▶ Hard fought
  - ▶ Being pushed by the new Optometry school in Provo

**Passed the House and was stopped in the Senate**

- ▶ **Athletic Trainers want to directly bill. We stopped before session.**





# Questions?

- ▶ Bill Matrix on UMA website under members only

