



February 6, 2008

2007-2009 Vol. 5

## **GENERAL SESSION**

### **January 30, 2008**

#### **Program Topic: HB133 – Health System Reform**

**Presented by: Business/Labor/Public Utilities & Technology/  
Workforce Services/  
Community & Economic Development**

**Co-chairs: Annette Call & Raylene Ireland**

**Director: Martine Smith**

**Speakers: Nathalie Gochnour – Chief Operating Officer, Salt Lake Chamber  
Elizabeth Garbe – Utah Health Policy Project  
Rep. David Clark (R) Dist. 74, Washington County (Santa Clara),  
Majority Leader; Sponsor, HB133  
Rep. Jim Dunnigan (R) Dist. 39, Salt Lake County (Taylorsville)**

**Natalie Gochnour** described the work of the United Way/Salt Lake Chamber Financial Stability Council's work on health system reform. It began in May 2007 and continued through the rest of the year, allowing public comment beginning in September. The Chamber is the largest business association in Utah, representing 4200 firms and one out of every three jobs in the state. **HB133** is the Chamber's highest priority. To repair the health system will benefit our economy. To delay action will negatively impact even the existing strengths of our system.

We need to create a health system which is uniquely Utah. It represents 16% of our economy. Premiums have doubled in nine years. Approximately 300,000 – 400,000 Utahns (11-13%) are uninsured. Businesses which provide health insurance also compete against other businesses that do

not, compounding the problem. Many leaders, including President Bush, Health, Education & Welfare (HEW) Secretary Mike Leavitt, Governor Huntsman and state legislative leaders, are encouraging reform efforts.

This bill will encompass a multi-year effort to contain costs, expand coverage and improve quality. It requires the support of the people to succeed. The health system is incredibly complicated with competing vested interests and there is much reluctance to change. Incremental reform efforts have been going on for 20 years and we still have an unsustainable and misaligned system. The business world is ready for radical change. We must stop tinkering.

**HB133** authorizes in the first year a study to improve data on health care costs, quality

and outcomes so the consumer can participate more knowledgeably in health care decisions. More importantly, it creates the foundation for a strategic planning process for the state and asks legislative leaders to create a multi-year plan to make health insurance portable from job to job, allow health insurance to be purchased with pre-tax dollars, provide information to consumers and make insurance more affordable and available to all.

**Elizabeth Garbe** stated the Utah Health Policy Project (UHPP) welcomes **HB133**. Successful health policy reform will require looking at the system as a whole. However, UHPP is not in favor of the provision that seeks to put whole families on the same plan. This may require children who are eligible for CHIP to move to Utah Premium Partnership where the cost of insurance may be more expensive. She asked that this be studied before including it in the reform plan to determine what the effect would be on low-income families. Agreeing that the health system is extremely complex, Ms. Garbe wants legislators to more carefully analyze the system before attempting to reform it.

**Rep. Clark** opened his remarks with a poem describing a farmer whose farm kept losing large amounts of money for various reasons. The farmer allowed as how it could have been worse, saying, "It could have been my money." This is a major problem with our healthcare system.

He then offered a "litmus test" for health system reform: **1)** Individual accountability and **2)** market based solutions. HEW Secretary Mike Leavitt has challenged Utah to find healthcare solutions. Utah's system is not inherently broken. We have good quality and access. Cost is the major issue. Utah has studied the efforts of 15 other states to learn what might work best for ours.

Remember **HB133** by the numbers 3, 6, and 10. The study process takes **three** years, there are **six** steps in the process, and it will take at least **ten** years to achieve full results.

**Step One:** Introduce consumerism into the process. If two hospitals can do a knee replacement with the same health outcome, but one costs more, the consumer should be able to make a choice.

**Step Two:** Promote healthy behaviors by creating incentives. Currently, federal and state restrictions prohibit real incentives. Some countries offer up to a 50% premium refund for healthy behavior, such as stopping smoking, losing weight or reducing sugar intake.

**Step Three:** Optimize enrollment in existing programs. Over half the state's 306,000 uninsured are eligible for CHIP, Medicaid, or Utah's Premium Partnership for Health Insurance (UPP).

**Step four:** Promote collaborative efforts in health system reform.

**Step five:** Offer health insurance premium payments with pre-tax dollars.

**Step six:** Establish a "pathway to reform" through a legislative task force charged to develop a plan; not to study more issues.

Rep. Clark closed by saying, "Meaningful health system reform is going to require the best thinking and good will of all Utahns. We have a golden opportunity to act before facing a one-size-fits-all mandate by the federal government."

Responding to questions, he said the only mandates are those that require government departments to discuss health system solutions. However, mandates will be a subject of the study.

**Rep. Dunnigan** mentioned another piece of legislation in the works, **HB301**. Those who aren't insured by an employer can go to a private carrier if their risk level is below 200% of the normal risk level. Those above will be denied and have to go to the Health Insurance (high risk) Pool (HIP) sponsored by the state. Healthy people often decline to pay the higher premiums associated with HIP. Rep. Dunnigan's bill will raise the risk level to 325% before coverage can be denied by a private insurer. The risk level is based on a health, treatment & medication evaluation. He believes **HB301** will allow

more people to get insurance in the private sector. It will also keep more families together in the insurance coverage. Rep. Dunnigan also stressed the importance of personal responsibility in improving our health, although federal law restricts the state from offering certain incentives. He referred to a study indicating this generation of children may be the first to face the possibility of a shorter life expectancy than its parents.

**Reported by Stuart Gygi**

## **General Session II**

**Program Topic: HB247 – Domestic Violence & Dating Violence Amendments**

**Presented by: Health & Human Services/  
Retirement & Independent Entities**

**Co-Chairs: Shauna Scott-Bellacomo & Dianne Yancey**

**Director: Donna Murphy, RN,MSN,CPN**

**Speakers: Rep. Davit Litvack (D) Dist. 26, Salt Lake County (central SLC, part of W.V. City), Minority Caucus Manager; Sponsor, HB247  
Alana Kindness – Exec. Dir., Utah Coalition Against Sexual Assault  
Brandi Farmer – Office of the Attorney General**

**Rep. Litvack** began by recounting his own introduction to the teen dating violence issue while working with youth at the National Conference for Christians & Jews. Upon further study, he found the issue widening considerably to include adult dating violence.

There are a substantial number of victims not included under the current domestic violence protective order restraints. **HB247**, which has been retooled from last session's **HB28**, is intended to address this

omission. The bill "provides for the issuance, modification, and enforcement of protective orders for victims who are emancipated or 16 years of age or older and who are, or have been, in a dating relationship."

One unique provision of the bill is for a court-ordered six month extension of the protective order's expiration date, if it is deemed necessary.

In the absence of Gayle Ruzicka (Pres., Eagle Forum), who was invited to speak against

the bill but unable to attend, Rep. Litvack also attempted to outline some opposing concerns. One of them, he said, was the fear that high school girls may wrongly seek court orders against dating partners for an unwarranted reason, such as an argument, or in retaliation for the unwanted breakup of the relationship. Another concern may be the potential cost, which is estimated at \$49,000 the first year with an ongoing cost of \$145,000. He also noted a prior concern regarding 2<sup>nd</sup> Amendment rights (use of a firearm) but did not elaborate.

**Alana Kindness** said those who have worked on **HB247** are keenly aware of the unintended consequences that sometimes arise from legislation, and believes they have crafted solid new revisions that address the concerns faced by last year's bill. She then offered statistics highlighting the need for this specific legislation.

A National Coalition against Domestic Violence report states 70% of teenage and college-age women who are sexually assaulted are raped during the course of a date; 53% of victims of domestic violence were abused by a current or former boyfriend or girlfriend; 30% of teens report they or someone they know has experienced dating violence; 83% of sexual assaults are committed by someone known to the victim and, of those, 80% are not related to the victim.

Current domestic violence protective orders in Utah require a victim to be married to, live with, or have a child in common with the batterer in order to receive protection under criminal and civil domestic violence laws.

Unfortunately, in Utah the incidence of forcible sexual assault exceeds the national average. Currently, unprotected victims (i.e. those who are not domestic partners) must wait until they've sustained multiple assaults before they can get a protective order. This is a public health issue; not just a criminal justice matter.

**HB427** would serve to prevent assault in another way, as well. It would send a clear and proactive message to potential youth offenders, who often mirror the domestic violence they have seen at home.

**Brandy Farmer** believes this bill will not impact the courts, since the merits of the protective order will be heard by a commission, as opposed to a traditional stalking order which is heard by a judge. Stalking Protective Order Injunctions are now the only other remedy available to dating violence victims and do not offer adequate protection. They require a history of two or more incidents before they may be issued.

**Reported by Pam Grange**

This Bulletin is a publication of the Women's State Legislative Council of Utah, Inc.

President: Kitty Kaplan  
Advisor: Sylvia Rickard  
Editor: Pam Grange  
Assistant Editor: Amy Jensen  
Assistant Editor: Eileen Hallet Stone

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