

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
April 5, 2000 - 9:00 a.m. - Room 305 State Capitol

Members Present:

Sen. Howard A. Stephenson, Co-chair
Rep. David Ure, Co-chair
Sen. Mike Dmitrich
Sen. Eddie "Ed" P. Mayne
Sen. Howard C. Nielson
Rep. Judy A. Buffmire
Rep. James R. Gowans
Rep. Martin R. Stephens
Rep. John E. Swallow

Members Absent:

Sen. L. Alma "Al" Mansell

Staff Present:

Mr. Arthur L. Hunsaker,
Research Analyst
Ms. Esther D. Chelsea-McCarty,
Associate General Counsel
Ms. Audrey Wendel,
Legislative Secretary

Note: A list of others present and copies of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of Minutes of January 11, 2000 - Sen. Stephenson called the meeting to order at 9:14 a.m.

MOTION: Sen. Dmitrich moved to approve the minutes of January 11, 2000. The motion passed unanimously with Rep. Stephens absent for the vote.

2. Required Certification Rules for Backflow Technicians in the State of Utah - Sen. Nielsen introduced the issue. He ran S.B. 219 "Drinking Water Technician Certification" during the 2000 General Session, which was referred to interim study. He is concerned with the requirements for re-certification of water technicians, particularly the written test every three years. Kevin Brown, Division of Water Quality, distributed a handout titled "State of Utah Cross Connection Control Program" from which he gave his presentation. Mr. Mike Moss, Division of Water Quality, explained that typically 20% of those trying to re-certify do not pass the written portion of the re-certification test. He explained that the nature of the profession leads to many changes that technicians must learn and incorporate into their work. Mr. Moss reiterated that the re-certification is crucial to water safety.

Stan Taylor, Backflow Technician, Brigham Young University, expressed concern with the written portion of the re-certification test. He suggested the test would be more equitable if technicians were given more hands-on experience and testing of the new devices prior to the test, and that this component be extended and emphasized in place of a written test.

Brent Bradford, Deputy Director, Department of Environmental Quality, clarified that this is a certification program, not a licensing program. He referred to many other professions the department certifies and their various re-certification cycles.

Bart Simons, Department of Water Resources, Provo City, commented on the importance of re-certification as the only measure to ensure the protection of the public. Frank Mills, Community Services Director, Public Works, Pleasant Grove City, also spoke in support of the

importance of re-certification and the written test in particular, as a way to solidify in the minds of technicians the processes and procedures. John Oakeson, Sandy City Public Utilities, pointed out that the errors made by re-certifying technicians justify the continuation of the re-certification.

Rep. Swallow clarified that the statutory authority of the department appears to allow the test. Sen. Nielsen expressed continued concern with the written portion of the re-certification.

3. Staff Update Medicaid Fraud Control Unit Functions Related to Division of Health Care Financing Rule - Art Hunsaker updated the committee on what happened with the Medicaid Fraud Control Unit (MFCU) during the session, including S.B. 1 intent language and S.B. 191, which placed the MFCU in the Attorney General's Office to investigate criminal medicaid fraud. Scott Reid, Criminal Division, Attorney General's Office, explained that the Medicaid Fraud Control Unit is now housed in the Attorney General's Office for practical purposes by interagency agreement, ahead of the January 1, 2001 deadline.

Doug Springmeyer, Department of Health, clarified the civil duties of the Department of Health regarding medicaid fraud.

4. New Administrative Code - Ken Hansen, Director, Division of Administrative Rules, presented the newly published "Utah Administrative Code." He pointed out that this is an annotated code, and is now available to committee members.

5. Committee Business - The Committee set its next two meeting dates: Tuesday, May 2 and Wednesday, May 24, both at 9:00 a.m.

MOTION: Rep. Stephens moved that the February 15, 2000 Bulletin be reviewed and audited by the Legislative Fiscal Analyst and the Office of Legislative Research and General Counsel. The motion passed unanimously.

6. Adjourn

MOTION: Rep. Gowans moved to adjourn the meeting at 10:45 a.m. The motion passed unanimously.