

***Superseded 5/10/2016***

**26-21-6 Duties of department.**

- (1) The department shall:
  - (a) enforce rules established pursuant to this chapter;
  - (b) authorize an agent of the department to conduct inspections of health care facilities pursuant to this chapter;
  - (c) collect information authorized by the committee that may be necessary to ensure that adequate health care facilities are available to the public;
  - (d) collect and credit fees for licenses as free revenue;
  - (e) collect and credit fees for conducting plan reviews as dedicated credits;
  - (f)
    - (i) collect and credit fees for conducting clearance under Chapter 21, Part 2, Clearance for Direct Patient Access; and
    - (ii) beginning July 1, 2012:
      - (A) up to \$105,000 of the fees collected under Subsection (1)(f)(i) are dedicated credits; and
      - (B) the fees collected for background checks under Subsection 26-21-204(6) and Section 26-21-205 shall be transferred to the Department of Public Safety to reimburse the Department of Public Safety for its costs in conducting the federal background checks;
  - (g) designate an executive secretary from within the department to assist the committee in carrying out its powers and responsibilities;
  - (h) establish reasonable standards for criminal background checks by public and private entities;
  - (i) recognize those public and private entities that meet the standards established pursuant to Subsection (1)(h); and
  - (j) provide necessary administrative and staff support to the committee.
- (2) The department may:
  - (a) exercise all incidental powers necessary to carry out the purposes of this chapter;
  - (b) review architectural plans and specifications of proposed health care facilities or renovations of health care facilities to ensure that the plans and specifications conform to rules established by the committee; and
  - (c) make rules as necessary to implement the provisions of this chapter, except as authority is specifically delegated to the committee.