

26-8a-416 Transition to eliminate inconsistent licenses.

- (1) By May 30, 2000, the department shall review all licenses in effect on October 2, 1999, to identify overlap, as defined in department rule, in the service areas of two or more licensed providers.
- (2) By June 30, 2000, the department shall notify all licensed providers affected by an overlap. By September 30, 2000, the department shall schedule, by order, a deadline to resolve each overlap, considering the effects on the licensed providers and the areas to be addressed.
- (3) For each overlap, the department shall meet with the affected licensed providers and provide 120 days for a negotiated resolution, consistent with the criteria in Section 26-8a-408.
- (4)
 - (a) If a resolution is reached under Subsection (2) that the department finds satisfies the criteria in Section 26-8a-408, the department shall amend the licenses to reflect the resolution consistent with Subsection (6).
 - (b) If a resolution is not reached under Subsection (2), the department or any of the licensed providers involved in the matter may request the commencement of a formal adjudicative proceeding to resolve the overlap.
- (5) The department shall commence adjudicative proceedings for any overlap that is not resolved by July 1, 2003.
- (6) Notwithstanding the exclusive geographic service requirement of Section 26-8a-402, the department may amend one or more licenses after a resolution is reached or an adjudicative proceeding has been held to allow:
 - (a) a single licensed provider to serve all or part of the overlap area;
 - (b) more than one licensed provider to serve the overlap area;
 - (c) licensed providers to provide different types of service in the overlap area; or
 - (d) licenses that recognize service arrangements that existed on September 30, 1999.
- (7) Notwithstanding Subsection (6), any license for an overlap area terminates upon:
 - (a) relinquishment by the provider; or
 - (b) revocation by the department.

Enacted by Chapter 141, 1999 General Session