

REPEAL OF NURSING FACILITIES

ASSESSMENT

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

This act repeals the Nursing Facility Assessment Act. This act appropriates for the fiscal year 2001-02, \$1,300,000 from the Nursing Facilities Account to the University of Utah Health Science Center. This act makes conforming and technical amendments. This act coordinates appropriations. The act takes effect July 1, 2001.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

26-1-30, as last amended by Chapter 229, Laws of Utah 2000

REPEALS:

26-35-101, as enacted by Chapter 170, Laws of Utah 1992

26-35-102, as enacted by Chapter 170, Laws of Utah 1992

26-35-103, as last amended by Chapter 209, Laws of Utah 1997

26-35-104, as last amended by Chapter 67, Laws of Utah 2000

26-35-105, as enacted by Chapter 170, Laws of Utah 1992

26-35-106, as enacted by Chapter 170, Laws of Utah 1992

This act enacts uncodified material.

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-1-30** is amended to read:

26-1-30. Powers and duties of department.

(1) The department shall:

(a) enter into cooperative agreements with the Department of Environmental Quality to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered; and

28 (b) consult with the Department of Environmental Quality and enter into cooperative
29 agreements, as needed, to ensure efficient use of resources and effective response to potential
30 health and safety threats from the environment, and to prevent gaps in protection from potential
31 risks from the environment to specific individuals or population groups.

32 (2) In addition to all other powers and duties of the department, it shall have and exercise
33 the following powers and duties:

34 (a) promote and protect the health and wellness of the people within the state;

35 (b) establish, maintain, and enforce rules necessary or desirable to carry out the provisions
36 and purposes of this title to promote and protect the public health or to prevent disease and illness;

37 (c) investigate and control the causes of epidemic, infectious, communicable, and other
38 diseases affecting the public health;

39 (d) provide for the detection, reporting, prevention, and control of communicable,
40 infectious, acute, chronic, or any other disease or health hazard that the department considers to
41 be dangerous, important, or likely to affect the public health;

42 (e) collect and report information on causes of injury, sickness, death, and disability and
43 the risk factors that contribute to the causes of injury, sickness, death, and disability within the
44 state;

45 (f) collect, prepare, publish, and disseminate information to inform the public concerning
46 the health and wellness of the population, specific hazards, and risks that may affect the health and
47 wellness of the population and specific activities which may promote and protect the health and
48 wellness of the population;

49 (g) establish and operate programs necessary or desirable for the promotion or protection
50 of the public health and the control of disease or which may be necessary to ameliorate the major
51 causes of injury, sickness, death, and disability in the state, except that the programs shall not be
52 established if adequate programs exist in the private sector;

53 (h) establish, maintain, and enforce isolation and quarantine, and for this purpose only,
54 exercise physical control over property and individuals as the department finds necessary for the
55 protection of the public health;

56 (i) close theaters, schools, and other public places and forbid gatherings of people when
57 necessary to protect the public health;

58 (j) abate nuisances when necessary to eliminate sources of filth and infectious and

59 communicable diseases affecting the public health;

60 (k) make necessary sanitary and health investigations and inspections in cooperation with
61 local health departments as to any matters affecting the public health;

62 (l) establish laboratory services necessary to support public health programs and medical
63 services in the state;

64 (m) establish and enforce standards for laboratory services which are provided by any
65 laboratory in the state when the purpose of the services is to protect the public health;

66 (n) cooperate with the Labor Commission to conduct studies of occupational health
67 hazards and occupational diseases arising in and out of employment in industry, and make
68 recommendations for elimination or reduction of the hazards;

69 (o) cooperate with the local health departments, the Department of Corrections, the
70 Administrative Office of the Courts, the Division of Youth Corrections, and the Crime Victims
71 Reparations Board to conduct testing for HIV infection of convicted sexual offenders and any
72 victims of a sexual offense;

73 (p) investigate the cause of maternal and infant mortality;

74 (q) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
75 and drivers of motor vehicles killed in highway accidents be examined for the presence and
76 concentration of alcohol;

77 (r) provide the commissioner of public safety with monthly statistics reflecting the results
78 of the examinations provided for in Subsection (2)(q) and provide safeguards so that information
79 derived from the examinations is not used for a purpose other than the compilation of statistics
80 authorized in this Subsection (2)(r);

81 (s) establish qualifications for individuals permitted to draw blood pursuant to Section
82 41-6-44.10, and to issue permits to individuals it finds qualified, which permits may be terminated
83 or revoked by the department;

84 (t) establish a uniform public health program throughout the state which includes
85 continuous service, employment of qualified employees, and a basic program of disease control,
86 vital and health statistics, sanitation, public health nursing, and other preventive health programs
87 necessary or desirable for the protection of public health;

88 (u) adopt rules and enforce minimum sanitary standards for the operation and maintenance
89 of:

- 90 (i) orphanages;
- 91 (ii) boarding homes;
- 92 (iii) summer camps for children;
- 93 (iv) lodging houses;
- 94 (v) hotels;
- 95 (vi) restaurants and all other places where food is handled for commercial purposes, sold,
- 96 or served to the public;
- 97 (vii) tourist and trailer camps;
- 98 (viii) service stations;
- 99 (ix) public conveyances and stations;
- 100 (x) public and private schools;
- 101 (xi) factories;
- 102 (xii) private sanatoria;
- 103 (xiii) barber shops;
- 104 (xiv) beauty shops;
- 105 (xv) physicians' offices;
- 106 (xvi) dentists' offices;
- 107 (xvii) workshops;
- 108 (xviii) industrial, labor, or construction camps;
- 109 (xix) recreational resorts and camps;
- 110 (xx) swimming pools, public baths, and bathing beaches;
- 111 (xxi) state, county, or municipal institutions, including hospitals and other buildings,
- 112 centers, and places used for public gatherings; and
- 113 (xxii) of any other facilities in public buildings and on public grounds;
- 114 (v) conduct health planning for the state;
- 115 (w) monitor the costs of health care in the state and foster price competition in the health
- 116 care delivery system;
- 117 (x) adopt rules for the licensure of health facilities within the state pursuant to Title 26,
- 118 Chapter 21, Health Care Facility Licensing and Inspection Act; and
- 119 ~~[(y) serve as the collecting agent, on behalf of the state, for the nursing facility assessment~~
- 120 ~~fee imposed under Title 26, Chapter 35, Nursing Facility Assessment Act, and the provider~~

121 ~~assessment imposed under Chapter 40, Utah Children's Health Insurance Act, and adopt rules for~~
122 ~~the enforcement and administration of the assessments consistent with Chapters 35 and 40;]~~

123 ~~[(z) monitor and report to the Health Policy Commission created in Title 63C, Chapter 3,~~
124 ~~Health Policy Commission, on the development of managed health care plans in rural areas of the~~
125 ~~state, including the effect of the managed health care plans on costs, access, and availability of~~
126 ~~providers located in the rural communities of the state; and]~~

127 ~~[(aa) (y) license the provision of child care.~~

128 **Section 2. Repealer.**

129 This act repeals:

130 **Section 26-35-101, Short title.**

131 **Section 26-35-102, Legislative findings.**

132 **Section 26-35-103, Definitions.**

133 **Section 26-35-104, Collection, remittance, and payment of nursing facilities**
134 **assessment.**

135 **Section 26-35-105, Penalties and interest.**

136 **Section 26-35-106, Restricted account -- Creation -- Deposits.**

137 **Section 3. Appropriation.**

138 (1) There is appropriated from the Nursing Facilities Account within the General Fund for
139 fiscal year 2001-02, \$1,300,000 of the funds remaining in the restricted account on June 30, 2001
140 to the University of Utah Health Science Center.

141 (2) It is the intent of the Legislature that this appropriation shall be used for expansion of
142 the Area Health Education Center Program established in Section 26-9-3.

143 (3) Any funds remaining in the Nursing Facilities Account after the disbursement under
144 Subsection (1) on June 30, 2001 shall lapse into the General Fund.

145 **Section 4. Directions to Division of Finance for Appropriation.**

146 If this bill and S.B. 31, Area Health Education Center Amendments, both pass, it is the
147 intent of the Legislature that the Division of Finance appropriate \$1,300,000 from the Nursing
148 Facilities Account to the University of Utah Health Service Center as provided in this bill and not
149 appropriate \$1,300,000 from the General Fund as provided in S.B. 31.

150 **Section 5. Effective date.**

151 This act takes effect on July 1, 2001.

Legislative Review Note
as of 12-15-00 10:26 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel