

**FOSTER CARE GUIDANCE THROUGH
PROVIDERS CONTRACTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Margaret Dayton

This act modifies the Utah Human Services Code. This act requires the department to provide a licensee or facility notification of who to contact within the department when filing a complaint.

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

AMENDS:

62A-2-105, as last amended by Chapter 358, Laws of Utah 1998

62A-2-106, as last amended by Chapter 254, Laws of Utah 1999

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

Section 1. Section **62A-2-105** is amended to read:

62A-2-105. Licensing board responsibilities.

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the licensing board shall review and approve rules regarding:

(a) approving, denying, suspending, and revoking licenses for human services licensees and facilities;

(b) conditional licenses, variances from department rule, and exclusions;

(c) the protection of the basic health and safety of clients; [~~and~~]

(d) licensing of all human services licensees that are required to be licensed under this chapter[-]; and

(e) notification to providers and subproviders of rights and responsibilities including who to contact within the department when filing a complaint against a licensee or facility, and the responsibility of the department to follow up once contacted.

(2) The licensing board shall:



28 (a) define information that shall be submitted to the department with an application for
29 a license;

30 (b) review and approve fees, in accordance with Section 63-38-3.2, for licenses issued
31 under this chapter;

32 (c) represent the community and the human services licensees; and

33 (d) advise the department as requested, concerning enforcement of rules established
34 under this chapter.

35 Section 2. Section **62A-2-106** is amended to read:

36 **62A-2-106. Office responsibilities.**

37 The office shall:

38 (1) make rules to establish:

39 (a) basic health and safety standards for licensees, which shall be limited to the
40 following:

41 (i) fire safety;

42 (ii) food safety;

43 (iii) sanitation;

44 (iv) infectious disease control;

45 (v) safety of the physical plant;

46 (vi) transportation safety;

47 (vii) emergency preparedness;

48 (viii) the administration of medical standards and procedures, consistent with the
49 related provisions of this title; and

50 (ix) consumer safety and protection;

51 (b) minimum administration and financial requirements for licensees; and

52 (c) guidelines for variances from rules established under this Subsection (1);

53 (2) enforce rules:

54 (a) approved by the licensing board;

55 (b) in effect on January 1, 1998, that apply to a service or program for which a licensee
56 is not under contract with a division listed in Section 62A-1-105 to provide until rules are
57 established pursuant to Subsection (2)(c); and

58 (c) established after July 1, 1999, by a policymaking board created by Section

59 62A-1-105 which:
60 (i) shall be limited to:
61 (A) the administration and maintenance of client and service records;
62 (B) staff qualifications; and
63 (C) staff to client ratios; and
64 (ii) may only apply to a service or program for which a licensee is not under contract
65 with a division listed in Section 62A-1-105 to provide;
66 (3) issue licenses in accordance with this chapter;
67 (4) conduct surveys and inspections of licensees and facilities in accordance with
68 Section 62A-2-118;
69 (5) collect licensure fees;
70 (6) provide necessary administrative support to the licensing board;
71 (7) provide notification to licensee or facility, including providers and subproviders, of
72 a person within the department to contact when filing a complaint;
73 [~~7~~] (8) investigate complaints regarding any licensee or facility;
74 [~~8~~] (9) have access to all records, correspondence, and financial data required to be
75 maintained by a licensee or facility;
76 [~~9~~] (10) have authority to interview any client, family member of a client, employee,
77 or officer of a human services licensee or facility; and
78 [~~10~~] (11) have authority to revoke, suspend, or extend any license issued by the
79 department under this chapter by following the procedures and requirements of Title 63,
80 Chapter 46b, Administrative Procedures Act.

Legislative Review Note
as of 1-16-03 8:51 AM

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

Office of Legislative Research and General Counsel

Fiscal Note**Foster Care Guidance Through Providers Contracts***30-Jan-03***Bill Number HB0106***12:17 PM*

State Impact

Provisions of this legislation can be handled with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst