

**AMENDMENTS TO INTERMEDIATE CARE  
FACILITIES FOR MENTALLY RETARDED**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Rebecca D. Lockhart**

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**LONG TITLE**

**General Description:**

This bill amends the Nursing Care Facility Assessment Act to include intermediate care facilities for the mentally retarded.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of nursing care facility to include intermediate care facilities for the mentally retarded; and
- ▶ clarifies the rulemaking authority of the department in setting the uniform rate for intermediate care facilities for the mentally retarded.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2005.

**Utah Code Sections Affected:**

AMENDS:

**26-35a-103**, as enacted by Chapter 284, Laws of Utah 2004

ENACTS:

**26-35a-108**, Utah Code Annotated 1953

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



28 Section 1. Section **26-35a-103** is amended to read:

29 **26-35a-103. Definitions.**

30 As used in this chapter:

31 (1) (a) "Nursing care facility" means:

32 (i) a nursing care facility described in Subsection 26-21-2(17)[-];

33 (ii) a designated swing bed in a general acute hospital as defined in Subsection  
34 26-21-2(11); and

35 (iii) an intermediate care facility for the mentally retarded that is licensed under Section  
36 26-21-13.5.

37 (b) "Nursing care facility" does not include:

38 (i) the Utah State Developmental Center;

39 (ii) the Utah State Hospital;

40 (iii) a general acute hospital, specialty hospital, or small health care facility as defined  
41 in Section 26-21-2; or

42 ~~[(iv) an intermediate care facility for the mentally retarded that is licensed under~~  
43 ~~Section 26-21-13.5; or]~~

44 ~~[(v)]~~ (iv) the Utah State Veteran's Home.

45 (2) "Patient day" means each calendar day in which an individual patient is admitted to  
46 the nursing care facility during a calendar month, even if on a temporary leave of absence from  
47 the facility.

48 Section 2. Section **26-35a-108** is enacted to read:

49 **26-35a-108. Intermediate care facilities for the mentally retarded -- Uniform rate.**

50 An intermediate care facility for the mentally retarded is subject to all the provisions of  
51 this chapter, except that the department shall establish a uniform rate for intermediate care  
52 facilities for the mentally retarded that:

53 (1) is based on the same formula specified for nursing care facilities under the  
54 provisions of Subsection 26-35a-104(1)(b); and

55 (2) may be different than the uniform rate established for other nursing care facilities.

56 Section 3. **Effective date.**

57 This bill takes effect on July 1, 2005.

**Legislative Review Note**

as of 1-7-05 9:23 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

**State Impact**

This bill adds intermediate care facilities for the mentally retarded to the definition of "nursing care facilities" which are subject to the Nursing Care Facility Assessment. It is estimated that revenue generated from this assessment would be approximately \$1,454,300, which could be matched with federal funds of \$3,579,600. The total of \$5 million would be appropriated to the Medicaid budget to increase reimbursement rates for those facilities.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Federal Funds	\$3,579,600	\$3,579,600	\$3,579,600	\$3,579,600
Restricted Funds	\$1,454,300	\$1,454,300	\$1,454,300	\$1,454,300
<b>TOTAL</b>	<b>\$5,033,900</b>	<b>\$5,033,900</b>	<b>\$5,033,900</b>	<b>\$5,033,900</b>

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**Individual and Business Impact**

Owners of intermediate care facilities for the mentally retarded would be required to pay the assessment imposed by 26-35a-104. This increase will be offset by an increase in reimbursement rates for Medicaid patients.

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