

1                   **UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Wayne A. Harper**

5                           House Sponsor: Stewart Barlow

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7   **LONG TITLE**

8   **General Description:**

9           This bill moves the existing Utah Medical Education Council into the State System of  
10 Higher Education.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ moves the existing authority and functions of the Utah Medical Education Council
- 14 into the State System of Higher Education; and
- 15           ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **63I-1-263 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapters 126,  
23 206, 347, 369, and 395

24           **63J-7-102**, as last amended by Laws of Utah 2012, Chapters 201 and 212

25           **63J-1-602.4**, as last amended by Laws of Utah 2011, Chapters 18, 303, 338, and 438

26 ENACTS:

27           **53B-24-101**, Utah Code Annotated 1953

28           **53B-24-201**, Utah Code Annotated 1953

29           **53B-24-301**, Utah Code Annotated 1953

30 **53B-24-401**, Utah Code Annotated 1953

31 RENUMBERS AND AMENDS:

32 **53B-24-102**, (Renumbered from 63C-8-101, as last amended by Laws of Utah 2000,  
33 Chapter 1)

34 **53B-24-202**, (Renumbered from 63C-8-102, as enacted by Laws of Utah 1997, Chapter  
35 202)

36 **53B-24-302**, (Renumbered from 63C-8-103, as last amended by Laws of Utah 2010,  
37 Chapter 286)

38 **53B-24-303**, (Renumbered from 63C-8-104, as enacted by Laws of Utah 1997, Chapter  
39 202)

40 **53B-24-304**, (Renumbered from 63C-8-105, as last amended by Laws of Utah 2008,  
41 Chapter 382)

42 **53B-24-402**, (Renumbered from 63C-8-106, as last amended by Laws of Utah 2008,  
43 Chapter 382)



44  
45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **53B-24-101** is enacted to read:

47 **CHAPTER 24. UTAH MEDICAL EDUCATION COUNCIL ACT**

48 **Part 1. General Provisions**

49 **53B-24-101. Title.**

50 (1) This chapter is known as the "Utah Medical Education Council Act."

51 (2) This part is known as "General Provisions."

52 Section 2. Section **53B-24-102**, which is renumbered from Section 63C-8-101 is  
53 renumbered and amended to read:

54 ~~[63C-8-101].~~ **53B-24-102. Definitions.**

55 As used in this chapter:

56 (1) "Accredited clinical education program" means a clinical education program for a  
57 health care profession that is accredited by the Accreditation Council on Graduate Medical

58 Education.

59 (2) "Accredited clinical training program" means a clinical training program that is  
60 accredited by an entity recognized within medical education circles as an accrediting body for  
61 medical education, advanced practice nursing education, physician assistance education, [or]  
62 doctor of pharmacy education, or registered nursing education.

63 (3) "Council" means the Medical Education Council created under Section  
64 [~~63C-8-103~~] 53B-24-302.

65 (4) "Health Care Financing Administration" means the Health Care Financing  
66 Administration within the United States Department of Health and Human Services.

67 (5) "Health care professionals in training" means medical students and residents,  
68 advance practice nursing students, physician assistant students, [~~and~~] doctor of pharmacy  
69 students, and registered nursing students.

70 (6) "Program" means the Medical Education Program created under Section  
71 [~~63C-8-102~~] 53B-24-202.

72 Section 3. Section **53B-24-201** is enacted to read:

73 **Part 2. Medical Education Program**

74 **53B-24-201. Title.**

75 This part is known as the "Medical Education Program."

76 Section 4. Section **53B-24-202**, which is renumbered from Section 63C-8-102 is  
77 renumbered and amended to read:

78 [~~63C-8-102~~]. **53B-24-202. Medical Education Program.**

79 (1) There is created a Medical Education Program to be administered by the Medical  
80 Education Council in cooperation with the Division of Finance.

81 (2) The program shall be funded from money received for graduate medical education  
82 from:

83 (a) the federal Health Care Financing Administration or other federal agency;

84 (b) state appropriations; and

85 (c) donation or private contributions.

- 86 (3) All funding for this program shall be nonlapsing.
- 87 (4) Program money may only be expended if:
- 88 (a) approved by the council; and
- 89 (b) used for graduate medical education in accordance with Subsection [~~63C-8-104~~
- 90 53B-24-303(7).

91 Section 5. Section **53B-24-301** is enacted to read:

92 **Part 3. Medical Education Council**

93 **53B-24-301. Title.**

94 This part is known as the "Medical Education Council."

95 Section 6. Section **53B-24-302**, which is renumbered from Section 63C-8-103 is  
96 renumbered and amended to read:

97 [~~63C-8-103~~]. **53B-24-302. Medical Education Council.**

98 (1) There is created the Medical Education Council consisting of the following  
99 members appointed by the governor:

- 100 (a) the dean of the school of medicine at the University of Utah;
- 101 (b) a person who represents graduate medical education at the University of Utah;
- 102 (c) a person from each institution, other than the University of Utah, that sponsors an  
103 accredited clinical education program;
- 104 (d) a person from the health care insurance industry; and
- 105 (e) three members of the general public who are not employed by or affiliated with any  
106 institution that offers, sponsors, or finances health care or medical education; however, the  
107 governor may appoint an additional member of the public under this Subsection (1)(e) for each  
108 person the governor appoints that increases the total number of persons appointed under  
109 Subsection (1)(c) beyond two.

110 (2) Except as provided in Subsection (1)(a) and (b), no two council members may be  
111 employed by or affiliated with the same:

- 112 (a) institution of higher education;
- 113 (b) state agency outside of higher education; or

114 (c) private entity.

115 (3) The dean of the school of medicine at the University of Utah:

116 (a) shall chair the council;

117 (b) may not be counted in determining the existence of a quorum; and

118 (c) may only cast a vote on a matter before the council if the vote of the other council

119 members results in a tied vote.

120 (4) The council shall annually elect a vice chair from among the members of the

121 council.

122 (5) (a) Consistent with Subsection (6)(b), a majority of the council members constitute

123 a quorum.

124 (b) The action of a majority of a quorum is the action of the council.

125 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year

126 terms of office.

127 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial

128 appointment, adjust the length of terms to ensure that the terms of council members are

129 staggered so that approximately half of the council is appointed every two years.

130 (c) If a vacancy occurs in the membership for any reason, the replacement shall be

131 appointed by the governor for the unexpired term in the same manner as the original

132 appointment was made.

133 (7) A member may not receive compensation or benefits for the member's service, but

134 may receive per diem and travel expenses in accordance with:

135 (a) Section 63A-3-106;

136 (b) Section 63A-3-107; and

137 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

138 63A-3-107.

139 Section 7. Section **53B-24-303**, which is renumbered from Section 63C-8-104 is

140 renumbered and amended to read:

141 ~~[63C-8-104]~~. **53B-24-303. Duties of council.**

142 The council shall:

143 (1) submit an application in accordance with federal law for a demonstration project to  
144 the Health Care Financing Administration before December 31, 1997, for the purpose of  
145 receiving and disbursing federal funds for direct and indirect graduate medical education  
146 expenses;

147 (2) seek private and public contributions for the program;

148 (3) study and recommend options for financing graduate medical education to the State  
149 Board of Regents and the Legislature;

150 (4) advise the State Board of Regents and the Legislature on the status and needs of  
151 health care professionals in training;

152 (5) determine the method for reimbursing institutions that sponsor health care  
153 professionals in training;

154 (6) determine the number and type of positions for health care professionals in training  
155 for which program money may be used; and

156 (7) distribute program money for graduate medical education in a manner that:

157 (a) prepares postgraduate medical residents, as defined by the accreditation council on  
158 graduate medical education, for inpatient, outpatient, hospital, community, and geographically  
159 diverse settings;

160 (b) encourages the coordination of interdisciplinary clinical training among health care  
161 professionals in training;

162 (c) promotes stable funding for the clinical training of health care professionals in  
163 training; and

164 (d) only funds accredited clinical training programs.

165 Section 8. Section **53B-24-304**, which is renumbered from Section 63C-8-105 is  
166 renumbered and amended to read:

167 ~~[63C-8-105].~~ **53B-24-304. Powers of council.**

168 The council may:

169 (1) conduct surveys, with the assistance of the Division of Occupational and

170 Professional Licensing within the Department of Commerce, to assess and meet changing  
171 market and education needs;

172 (2) notwithstanding the provisions of Subsection 35A-4-312(3), receive information  
173 obtained by the Division of Workforce Information and Payment Services under the provisions  
174 of Section 35A-4-312 for purposes consistent with the council's duties as identified under  
175 Section ~~[63C-8-104]~~ 53B-24-303, including identifying changes in the medical and health care  
176 workforce numbers, types, and geographic distribution;

177 (3) appoint advisory committees of broad representation on interdisciplinary clinical  
178 education, workforce mix planning and projections, funding mechanisms, and other topics as is  
179 necessary;

180 (4) use federal money for necessary administrative expenses to carry out its duties and  
181 powers as permitted by federal law;

182 (5) distribute program money in accordance with Subsection ~~[63C-8-104]~~  
183 53B-24-303(7); and

184 (6) as is necessary to carry out its duties under Section ~~[63C-8-104]~~ 53B-24-303:

185 (a) hire employees; and

186 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
187 Rulemaking Act.

188 Section 9. Section **53B-24-401** is enacted to read:

189 **Part 4. Rural Residency Training Program**

190 **53B-24-401. Title.**

191 This part is known as the "Rural Residency Training Program."

192 Section 10. Section **53B-24-402**, which is renumbered from Section 63C-8-106 is  
193 renumbered and amended to read:

194 ~~[63C-8-106].~~ **53B-24-402. Rural residency training program.**

195 (1) For purposes of this section:

196 (a) "Physician" means:

197 (i) a person licensed to practice medicine under Title 58, Chapter 67, Utah Medical

198 Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

199 (ii) a person licensed to practice dentistry under Title 58, Chapter 69, Dentist and  
200 Dental Hygienist Practice Act.

201 (b) "Rural residency training program" means an accredited clinical training program  
202 as defined in Section [~~63C-8-104~~] 53B-24-102 which places a physician into a rural county for  
203 a part or all of the physician's clinical training.

204 (2) (a) Subject to appropriations from the Legislature, the council shall establish a pilot  
205 program to place physicians into rural residency training programs.

206 (b) The pilot program shall begin July 1, 2005 and sunset July 1, 2015, in accordance  
207 with Section 63I-1-263.

208 (3) (a) The council shall report to the Legislature's Health and Human Services Interim  
209 Committee concerning the implementation of the pilot program and the success of the program  
210 in increasing the retention or recruitment of physicians in rural counties in the state.

211 (b) The report required by this Subsection (3) shall be made by November 30 of each  
212 year.

213 Section 11. Section **63I-1-263 (Effective 05/01/13)** is amended to read:

214 **63I-1-263 (Effective 05/01/13). Repeal dates, Titles 63A to 63M.**

215 (1) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage to  
216 any public school district which chooses to participate, is repealed July 1, 2016.

217 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

218 (3) Section [~~63C-8-106~~] 53B-24-402, rural residency training program, is repealed July  
219 1, 2015.

220 (4) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is  
221 repealed July 1, 2014.

222 (5) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to award a  
223 contract for a design-build transportation project in certain circumstances, is repealed July 1,  
224 2015.

225 (6) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,



226 2020.

227 (7) The Resource Development Coordinating Committee, created in Section  
228 63J-4-501, is repealed July 1, 2015.

229 (8) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

230 (9) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is  
231 repealed January 1, 2021.

232 (b) Subject to Subsection (9)(c), Sections 59-7-610 and 59-10-1007 regarding tax  
233 credits for certain persons in recycling market development zones, are repealed for taxable  
234 years beginning on or after January 1, 2021.

235 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

236 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or  
237 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

238 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if  
239 the expenditure is made on or after January 1, 2021.

240 (d) Notwithstanding Subsections (9)(b) and (c), a person may carry forward a tax credit  
241 in accordance with Section 59-7-610 or 59-10-1007 if:

242 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

243 (ii) (A) for the purchase price of machinery or equipment described in Section  
244 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
245 2020; or

246 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
247 expenditure is made on or before December 31, 2020.

248 (10) (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.

249 (b) (i) The Legislature shall, before reauthorizing the Health Care Compact:

250 (A) direct the Health System Reform Task Force to evaluate the issues listed in  
251 Subsection (10)(b)(ii), and by January 1, 2013 develop and recommend criteria for the  
252 Legislature to use to negotiate the terms of the Health Care Compact; and

253 (B) prior to July 1, 2014, seek amendments to the Health Care Compact among the

254 member states that the Legislature determines are appropriate after considering the  
255 recommendations of the Health System Reform Task Force.

256 (ii) The Health System Reform Task Force shall evaluate and develop criteria for the  
257 Legislature regarding:

258 (A) the impact of the Supreme Court ruling on the Affordable Care Act;

259 (B) whether Utah is likely to be required to implement any part of the Affordable Care  
260 Act prior to negotiating the compact with the federal government, such as Medicaid expansion  
261 in 2014;

262 (C) whether the compact's current funding formula, based on adjusted 2010 state  
263 expenditures, is the best formula for Utah and other state compact members to use for  
264 establishing the block grants from the federal government;

265 (D) whether the compact's calculation of current year inflation adjustment factor,  
266 without consideration of the regional medical inflation rate in the current year, is adequate to  
267 protect the state from increased costs associated with administering a state based Medicaid and  
268 a state based Medicare program;

269 (E) whether the state has the flexibility it needs under the compact to implement and  
270 fund state based initiatives, or whether the compact requires uniformity across member states  
271 that does not benefit Utah;

272 (F) whether the state has the option under the compact to refuse to take over the federal  
273 Medicare program;

274 (G) whether a state based Medicare program would provide better benefits to the  
275 elderly and disabled citizens of the state than a federally run Medicare program;

276 (H) whether the state has the infrastructure necessary to implement and administer a  
277 better state based Medicare program;

278 (I) whether the compact appropriately delegates policy decisions between the  
279 legislative and executive branches of government regarding the development and  
280 implementation of the compact with other states and the federal government; and

281 (J) the impact on public health activities, including communicable disease surveillance

282 and epidemiology.

283 (11) The Crime Victim Reparations and Assistance Board, created in Section  
284 63M-7-504, is repealed July 1, 2017.

285 (12) Title 63M, Chapter 9, Families, Agencies, and Communities Together for  
286 Children and Youth At Risk Act, is repealed July 1, 2016.

287 (13) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.  
288 Section 12. Section **63J-1-602.4** is amended to read:

289 **63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through Title 63M.**

290 (1) Funds paid to the Division of Real Estate for the cost of a criminal background  
291 check for a mortgage loan license, as provided in Section 61-2c-202.

292 (2) Funds paid to the Division of Real Estate for the cost of a criminal background  
293 check for principal broker, associate broker, and sales agent licenses, as provided in Section  
294 61-2f-204.

295 (3) Certain funds donated to the Department of Human Services, as provided in  
296 Section 62A-1-111.

297 (4) Certain funds donated to the Division of Child and Family Services, as provided in  
298 Section 62A-4a-110.

299 (5) Appropriations from the Choose Life Adoption Support Restricted Account created  
300 in Section 62A-4a-608.

301 (6) Appropriations to the Division of Services for People with Disabilities, as provided  
302 in Section 62A-5-102.

303 (7) A portion of the funds appropriated to the Utah Seismic Safety Commission, as  
304 provided in Section 63C-6-104.

305 (8) Funding for the Medical Education Program administered by the Medical  
306 Education Council, as provided in Section [~~63C-8-102~~] 53B-24-202.

307 (9) Certain money payable for commission expenses of the Pete Suazo Utah Athletic  
308 Commission, as provided under Section 63C-11-301.

309 (10) Funds appropriated or collected for publishing the Division of Administrative

310 Rules' publications, as provided in Section 63G-3-402.

311 (11) The Immigration Act Restricted Account created in Section 63G-12-103.

312 (12) Money received by the military installation development authority, as provided in  
313 Section 63H-1-504.

314 (13) The appropriation to fund the Governor's Office of Economic Development's  
315 Enterprise Zone Act, as provided in Section 63M-1-416.

316 (14) The Motion Picture Incentive Account created in Section 63M-1-1803.

317 (15) Appropriations to the Utah Science Technology and Research Governing  
318 Authority, created under Section 63M-2-301, as provided under Section 63M-2-302.

319 Section 13. Section **63J-7-102** is amended to read:

320 **63J-7-102. Scope and applicability of chapter.**

321 (1) Except as provided in Subsection (2), and except as otherwise provided by a statute  
322 superseding provisions of this chapter by explicit reference to this chapter, the provisions of  
323 this chapter apply to each agency and govern each grant received on or after May 5, 2008.

324 (2) This chapter does not govern:

325 (a) a grant deposited into a General Fund restricted account;

326 (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;

327 (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;

328 (d) a grant made to the state without a restriction or other designated purpose that is  
329 deposited into the General Fund as free revenue;

330 (e) a grant made to the state that is restricted only to "education" and that is deposited  
331 into the Education Fund or Uniform School Fund as free revenue;

332 (f) in-kind donations;

333 (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state  
334 when required by state law or application of state law;

335 (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax  
336 Contribution Act;

337 (i) a grant received by an agency from another agency or political subdivision;

- 338 (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion  
339 Act;
- 340 (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah  
341 Science Center Authority;
- 342 (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4,  
343 Heber Valley Historic Railroad Authority;
- 344 (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter  
345 5, Utah State Railroad Museum Authority;
- 346 (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7,  
347 Utah Housing Corporation Act;
- 348 (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah  
349 State Fair Corporation Act;
- 350 (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33,  
351 Workers' Compensation Fund;
- 352 (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah  
353 State Retirement Systems Administration;
- 354 (r) a grant to the School and Institutional Trust Lands Administration created in Title  
355 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
- 356 (s) a grant to the Utah Communications Agency Network created in Title 63C, Chapter  
357 7, Utah Communications Agency Network Act;
- 358 (t) a grant to the Medical Education Program created in Section [~~63C-8-102~~]  
359 53B-24-202;
- 360 (u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1,  
361 Part 12, Utah Venture Capital Enhancement Act;
- 362 (v) a grant to the Utah Charter School Finance Authority created in Section  
363 53A-20b-103;
- 364 (w) a grant to the State Building Ownership Authority created in Section 63B-1-304;
- 365 (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section

366 31A-29-104; or

367 (y) a grant to the Military Installation Development Authority created in Section  
368 63H-1-201.

369 (3) An agency need not seek legislative review or approval of grants under Part 2,  
370 Grant Approval Requirements, if:

371 (a) the governor has declared a state of emergency; and

372 (b) the grant is donated to the agency to assist victims of the state of emergency under  
373 Subsection 63K-4-201(1).