UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Stewart Barlow

LONG TITLE

General Description:

This bill merges the existing Utah Medical Education Council into the Utah Department of Health.

Highlighted Provisions:

This bill:

- moves the existing authority and functions of the Utah Medical Education Council into the Utah Department of Health;
- grants authority to the executive director of the Utah Department of Health to appoint members of the Utah Medical Education Council; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-46a-101, Utah Code Annotated 1953
26-46a-201, Utah Code Annotated 1953
26-46a-301, Utah Code Annotated 1953
26-46a-401, Utah Code Annotated 1953
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 26-46a-101 is enacted to read:

CHAPTER 46a. UTAH MEDICAL EDUCATION COUNCIL ACT


26-46a-101. Title.

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

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

Section 2. Section 26-46a-102, which is renumbered from Section 63C-8-101 is renumbered and amended to read:

26-46a-102. Definitions.

As used in this chapter:

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

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

(3) "Council" means the Medical Education Council created under Section 26-46a-302.

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

(5) "Health care professionals in training" means medical students and residents, advance practice nursing students, physician assistant students, and doctor of pharmacy students.

(6) "Program" means the Medical Education Program created under Section 26-46a-202.

Section 3. Section 26-46a-201 is enacted to read:

Part 2. Medical Education Program

26-46a-201. Title.

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

Section 4. Section 26-46a-202, which is renumbered from Section 63C-8-102 is renumbered and amended to read:

26-46a-202. Medical Education Program.

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

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

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

(b) state appropriations; and

(c) donation or private contributions.

(3) All funding for this program shall be nonlapsing.

(4) Program money may only be expended if:

(a) approved by the council; and

(b) used for graduate medical education in accordance with Subsection 63C-8-104(7)

Section 5. Section 26-46a-301 is enacted to read:

Part 3. Medical Education Council
26-46a-301. Title.

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

Section 6. Section 26-46a-302, which is renumbered from Section 63C-8-103 is
renumbered and amended to read:

[63C-8-103]. 26-46a-302. Medical Education Council.

(1) There is created within the department the Medical Education Council consisting of
the following members appointed by the executive director of the department:

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

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

(a) institution of higher education;
(b) state agency outside of higher education; or
(c) private entity.

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

(a) shall chair the council;
(b) may not be counted in determining the existence of a quorum; and
(c) may only cast a vote on a matter before the council if the vote of the other council
members results in a tied vote.

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

(5) (a) Consistent with Subsection (6)(b), a majority of the council members constitute
a quorum.
(b) The action of a majority of a quorum is the action of the council.

(6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year terms of office.

(b) Notwithstanding Subsection (6)(a), the [governor] executive director of the department shall, at the time of the initial appointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(c) If a vacancy occurs in the membership for any reason, the replacement shall be appointed by the [governor] executive director of the department for the unexpired term in the same manner as the original appointment was made.

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

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

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Section 7. Section 26-46a-303, which is renumbered from Section 63C-8-104 is renumbered and amended to read:

26-46a-303. Duties of council.

The council shall:

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

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

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

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

(5) determine the method for reimbursing institutions that sponsor health care professionals in training;
(6) determine the number and type of positions for health care professionals in training for which program money may be used; and

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

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

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

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

(d) only funds accredited clinical training programs.

Section 8. Section 26-46a-304, which is renumbered from Section 63C-8-105 is renumbered and amended to read:

[63C-8-105]. 26-46a-304. Powers of council.

The council may:

(1) conduct surveys, with the assistance of the Division of Occupational and Professional Licensing within the Department of Commerce, to assess and meet changing market and education needs;

(2) notwithstanding the provisions of Subsection 35A-4-312(3), receive information obtained by the Division of Workforce Information and Payment Services under the provisions of Section 35A-4-312 for purposes consistent with the council's duties as identified under Section [63C-8-104] 26-46a-303, including identifying changes in the medical and health care workforce numbers, types, and geographic distribution;

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

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

(5) distribute program money in accordance with Subsection [63C-8-104(7)] 26-46a-303(7); and

(6) as is necessary to carry out its duties under Section [63C-8-104] 26-46a-303:
(a) hire employees; and
(b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act.

Section 9. Section **26-46a-401** is enacted to read:

**Part 4. Rural Residency Training Program**

**26-46a-401. Title.**

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

Section 10. Section **26-46a-402**, which is renumbered from Section 63C-8-106 is
renumbered and amended to read:

[63C-8-106]. **26-46a-402. Rural residency training program.**

(1) For purposes of this section:

(a) "Physician" means:

(i) a person licensed to practice medicine under Title 58, Chapter 67, Utah Medical
Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

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

(b) "Rural residency training program" means an accredited clinical training program
as defined in Section [63C-8-101] 26-46a-102 which places a physician into a rural county for
a part or all of the physician's clinical training.

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

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

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

(b) The report required by this Subsection (3) shall be made by November 30 of each
year.
Legislative Review Note
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Office of Legislative Research and General Counsel