

Statutes and Rules Related to Birthing Center Issue

26-21-5. Duties of committee.

The committee shall:

- (1) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
 - (a) for the licensing of health-care facilities; and
 - (b) requiring the submission of architectural plans and specifications for any proposed new health-care facility or renovation to the department for review;
- (2) approve the information for applications for licensure pursuant to Section 26-21-9;
- (3) advise the department as requested concerning the interpretation and enforcement of the rules established under this chapter; and
- (4) advise, consult, cooperate with, and provide technical assistance to other agencies of the state and federal government, and other states and affected groups or persons in carrying out the purposes of this chapter.

26-21-6. Duties of department.

- (1) The department shall:
 - (a) enforce rules established pursuant to this chapter;
 - (b) authorize an agent of the department to conduct inspections of health care facilities pursuant to this chapter;
 - (c) collect information authorized by the committee that may be necessary to ensure that adequate health care facilities are available to the public;
 - (d) collect and credit fees for licenses as free revenue;
 - (e) collect and credit fees for conducting plan reviews as dedicated credits;
 - (f)
 - (i) collect and credit fees for conducting clearance under Chapter 21, Part 2, Clearance for Direct Patient Access; and
 - (ii) beginning July 1, 2012:
 - (A) up to \$105,000 of the fees collected under Subsection (1)(f)(i) are dedicated credits; and
 - (B) the fees collected for background checks under Subsection 26-21-204(6) and Section 26-21-205 shall be transferred to the Department of Public Safety to reimburse the Department of Public Safety for its costs in conducting the federal background checks;
 - (g) designate an executive secretary from within the department to assist the committee in carrying out its powers and responsibilities;
 - (h) establish reasonable standards for criminal background checks by public and private entities;
 - (i) recognize those public and private entities that meet the standards established pursuant to Subsection (1)(h); and
 - (j) provide necessary administrative and staff support to the committee.
 - (2) The department may:
 - (a) exercise all incidental powers necessary to carry out the purposes of this chapter;
 - (b) review architectural plans and specifications of proposed health care facilities or renovations of health care facilities to ensure that the plans and specifications conform to rules established by the committee; and
 - (c) make rules as necessary to implement the provisions of this chapter, except as authority is specifically delegated to the committee.

R432-550-11. Contracts and Agreements.

(1) The licensee shall secure a written contract or agreement for services not provided directly by the facility. Contracts or agreements shall include a statement that contract personnel shall:

- (a) perform according to facility policies and procedures;
- (b) conform to standards required by laws, rules and regulations;
- (c) provide services that meet professional standards and are timely.

(2) Contracts or transfer agreements shall be available for Department review.

(3) The licensee shall maintain transfer agreements for one or both of the following:

(a) admitting privileges for clinical staff at a general hospital within 30 minutes travel distance of the birthing center;

(b) a written transfer agreement with one or more general hospitals located within 30 minutes travel distance of the birthing center.

(4) The general hospital transfer agreement shall include provisions for:

- (a) transfer of information needed for proper care and treatment of the individual transferred;
- (b) security and accountability of the personal effects of the individual being transferred.