

HEALTH CARE ASSISTANT REGISTRATION ACT

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: J. Brent Haymond

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; REMOVING RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH DISABILITIES FROM THE DEFINITION OF "REGULATED FACILITY"; AND CHANGING THE MEMBERSHIP OF THE HEALTH CARE ASSISTANT REGISTRATION BOARD.

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

AMENDS:

58-62-102, as enacted by Chapter 289, Laws of Utah 1994

58-62-201, as enacted by Chapter 289, Laws of Utah 1994

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

Section 1. Section **58-62-102** is amended to read:

58-62-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Health Care Assistant Registration Board created in Section 58-62-201.

(2) "Health care assistant" means an individual who:

(a) engages in the practice of a health care assistant; and

(b) is subject to registration under this chapter and is not subject to registration, licensure, or certification under any other chapter of this title.

(3) "Practice as a health care assistant" means providing direct personal assistance or care for compensation to an individual who is ill, injured, infirm, developmentally or physically disabled, mentally disabled, or mentally retarded, and who is in a private residence or regulated facility.

(4) "Regulated facility" means~~[-(a)]~~ a health care facility subject to licensure under Title 26, Chapter 21, Health Care Facility Licensure and Inspection Act~~[-or]~~, excluding:

(a) the Utah State Hospital and the Utah State Developmental Center; and

- (b) a residential treatment or residential support facility:
 - (i) subject to licensure under Title 62A, Chapter 2, Licensure of Programs and Facilities; and
 - (ii) serving people with disabilities, as defined by Department of Human Services rules.
- (5) "Unlawful conduct" is defined in Section 58-1-501.
- (6) "Unprofessional conduct" is defined in Section 58-1-501.

Section 2. Section **58-62-201** is amended to read:

58-62-201. Board.

(1) There is created the Health Care Assistant Registration Board consisting of [H] ten individuals:

(a) one individual representing the Department of Health created in Title 26, Chapter 1, Department of Health Organization;

~~[(b) one individual representing the Department of Human Services, created in Title 62A, Chapter 1, Department of Human Services;]~~

~~[(c)]~~ (b) an individual serving in a management capacity in each of the following facilities defined under Section 26-21-2 and licensed under Title 26, Chapter 21, Health Care Facility Licensure and Inspection Act:

- (i) a nursing care facility;
- (ii) a home health agency;
- (iii) a residential health care facility; and
- (iv) a general acute hospital;

~~[(d)]~~ (c) one licensed registered nurse employed in training of health care assistants;

~~[(e)]~~ (d) one registered health care assistant; and

~~[(f)]~~ (e) three members of the general public who have no financial interest in the ownership or operation of a regulated facility.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203.