

1                   **HEALTH CARE ASSISTANT REGISTRATION ACT**

2                                   1998 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Sponsor: J. Brent Haymond**

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

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

10 AMENDS:

11           **58-62-102**, as enacted by Chapter 289, Laws of Utah 1994

12           **58-62-201**, as enacted by Chapter 289, Laws of Utah 1994

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

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

15           **58-62-102. Definitions.**

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

17           (1) "Board" means the Health Care Assistant Registration Board created in Section  
18 58-62-201.

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

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

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

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

27           (4) "Regulated facility" means[:(a)] a health care facility subject to licensure under Title

1 26, Chapter 21, Health Care Facility Licensure and Inspection Act~~[; or]~~.

2 [~~(b)~~ a residential treatment or residential support facility;]

3 [~~(i)~~ subject to licensure under Title 62A, Chapter 2, Licensure of Programs and Facilities;  
4 and]

5 [~~(ii)~~ serving people with disabilities, as defined by Department of Human Services rules.]

6 (5) "Unlawful conduct" is defined in Section 58-1-501.

7 (6) "Unprofessional conduct" is defined in Section 58-1-501.

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

9 **58-62-201. Board.**

10 (1) There is created the Health Care Assistant Registration Board consisting of [~~11~~] ten  
11 individuals:

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

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

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

19 (i) a nursing care facility;

20 (ii) a home health agency;

21 (iii) a residential health care facility; and

22 (iv) a general acute hospital;

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

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

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

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

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

**Legislative Review Note**  
**as of 11-26-97 3:44 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**