

February 23, 1998

Mr. Speaker:

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. S.B. 64, BACKGROUND CHECK OF HEALTH CARE PROFESSIONALS**, by Senator M. Waddoups, with the following amendments:

1. Page 1, Line 14  
Goldenrod 2-9-98: Delete "REPEALING" and insert "AMENDING"
2. Page 1, Line 15  
Goldenrod 2-9-98: Delete "AND" and after "DATE" insert "; AND PROVIDING A COORDINATION CLAUSE"
3. Page 1, Line 18  
Goldenrod 2-9-98: After line 18 insert:  
"58-62-102, as enacted by Chapter 289, Laws of Utah 1994  
58-62-201, as enacted by Chapter 289, Laws of Utah 1994"
4. Page 1a, Lines 22-25  
Goldenrod 2-9-98: Delete lines 22-25
5. Page 2, Lines 1-10: Delete lines 1-10
6. Page 4, Line 17  
Goldenrod 2-9-98: After line 17 insert:  
"Section 3. 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~~[-]; and~~  
(c) is not subject to a criminal background check by virtue of being employed by:  
(i) the Utah State Hospital or the Utah Developmental Center;  
(ii) a residential treatment or residential support facility as defined

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in Subsection (4)(b); or

(iii) a covered health care facility as defined in Section 26-21-9.5.

(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]~~ and does not include:

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

(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~~[-]; or~~

(c) a covered health care facility as defined in Section 26-21-9.5.

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

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

Section 4. Section **58-62-201** is amended to read:

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

(1) There is created the Health Care Assistant Registration Board consisting of ~~[11]~~ seven 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]~~ a general acute hospital as 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."

**Renumber remaining sections accordingly.**

7. Page 4a, Line 17p  
Goldenrod 2-9-98: Bracket "and"
8. Page 4a, Lines 17q-17r  
Goldenrod 2-9-98: Reinstate lines 17q-17r
9. Page 4a, Line 17s  
Goldenrod 2-9-98: Reinstate "Registration Act" and after "Act" insert:  
"; and  
(d)"
10. Page 5, Lines 16-31  
Goldenrod 2-9-98: Delete lines 16-31
11. Page 6, Line 3: After line 3 insert:  
"Section 6. **Coordination clause.**  
(1) If this bill and H.B. 169, Public Safety Amendments, both pass, it is the intent of the Legislature that the references to "Utah Division of Criminal Investigation" in this bill shall be deleted and "Criminal Investigations and Technical Services Division" shall be inserted.  
(2) If this bill and H.B. 224, Health Care Registration Act, both pass, it is the intent of the Legislature that the amendments to Section 58-62-102 and Section 58-62-201 in this bill supercede the amendments to those sections in H.B. 224."

Respectfully,

Nora B. Stephens  
Committee Chair

Voting: 7-0-4

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