

1st Sub. S.B. 64

BACKGROUND CHECK OF HEALTH CARE PROFESSIONALS

SENATE FLOOR AMENDMENTS

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Senator **Waddoups** proposes the following amendments:

1. Page 1, Line 9: After "DATABASE" insert "OR ELDER ABUSE DATABASE"
2. Page 1, Line 10: After "CHILDREN" insert "OR ELDER ADULTS"
3. Page 1, Line 13: After "CHILD" insert "OR ELDER"
4. Page 1, Line 18: After line 18 insert:
"62A-3-311.1, as last amended by Chapter 130, Laws of Utah 1996"
5. Page 3, Line 27: After "whether" insert:
";
(a)"
6. Page 3, Line 30: After "Section 62A-4a-116" insert:
"; or
(b) an individual whose name and other identifying information has been submitted pursuant to Subsection (1) and who provides direct care to disabled or elder adults has a substantiated finding of disabled or elder abuse by accessing the database created in Section 62A-3-311.1."
7. Page 4, Line 1: After "neglect" insert "or disabled or elder abuse or neglect"
8. Page 4, Line 17: After line 17 insert:
"Section 3. Section **62A-3-311.1** is amended to read:
62A-3-311.1. Statewide data base -- Restricted use and access.
(1) The division shall maintain a data base for reports of disabled or elder adult abuse, neglect, emotional or psychological abuse, or

exploitation made pursuant to this part.

(2) The data base shall include:

(a) the names and identifying data of the abused, neglected, or exploited adult and the reported abuser;

(b) information regarding whether or not the abuse, emotional or psychological abuse, neglect, or exploitation was substantiated or unsubstantiated; and

(c) any other information that may be helpful in furthering the purposes of this part, as determined by the division, subject to the restrictions of Subsection 62A-3-311(2).

(3) Information obtained from the data base may be used only for:

(a) compiling statistical summaries that do not include names or other identifying data;

(b) granting or denying licenses or other grants of privilege by the department where identification as a possible adult abuser may be relevant to the privilege in question, in accordance with Subsection (4); and

(c) ~~[investigation and action by the Division of Occupational and Professional Licensing regarding registration of a health care assistant under Title 58, Chapter 62, Health Care Assistant Registration Act]~~ licensing purposes by the Bureau of Health Facility Licensure within the Department of Health, as provided for in Section 26-21-9.5, in determining whether a person associated with a covered health care facility who provides direct care to disabled or elder adults has a substantiated finding of disabled or elder abuse.

(4) (a) A license or privilege may not be denied under Subsection (3) solely on the basis of information in the data base.

(b) Before a license or privilege may be denied under Subsection (3), the department shall conduct a review and provide the person making application for the license or privilege with notice and an opportunity to be heard in accordance with Title 63, Chapter 46b, Administrative Procedures Act."

Renumber remaining sections accordingly.