

OFFICE OF LICENSING IN DEPARTMENT
OF HUMAN SERVICES AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Lloyd W. Frandsen

AN ACT RELATING TO THE OFFICE OF LICENSING WITHIN THE DEPARTMENT OF HUMAN SERVICES; REQUIRING THE OFFICE TO ESTABLISH RULES GOVERNING CONSUMER SAFETY AND PROTECTION; REMOVING REQUIREMENT FOR THOSE GUIDELINES TO BE ESTABLISHED BY LEGISLATION; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

62A-2-106, as last amended by Chapter 358, Laws of Utah 1998

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

Section 1. Section **62A-2-106** is amended to read:

62A-2-106. Office responsibilities.

The office shall:

(1) make rules to establish:

(a) basic health and safety standards for licensees, which shall be limited to the following:

(i) fire safety;

(ii) food safety;

(iii) sanitation;

(iv) infectious disease control;

(v) safety of the physical plant;

(vi) transportation safety;

(vii) emergency preparedness;

(viii) the administration of medical standards and procedures, consistent with the related provisions of this title; and

(ix) ~~[subject to Subsection (11);]~~ consumer ~~[rights]~~ safety and protection;

- (b) minimum administration and financial requirements for licensees; and
- (c) guidelines for variances from rules established under this Subsection (1);
- (2) enforce rules:
 - (a) approved by the licensing board;
 - (b) in effect on January 1, 1998, that apply to a service or program for which a licensee is not under contract with a division listed in Section 62A-1-105 to provide until rules are established pursuant to Subsection (2)(c); and
 - (c) established after July 1, 1999, by a policymaking board created by Section 62A-1-105 which:
 - (i) shall be limited to:
 - (A) the administration and maintenance of client and service records;
 - (B) staff qualifications; and
 - (C) staff to client ratios; and
 - (ii) may only apply to a service or program for which a licensee is not under contract with a division listed in Section 62A-1-105 to provide;
- (3) issue licenses in accordance with this chapter;
- (4) conduct surveys and inspections of licensees and facilities in accordance with Section 62A-2-118;
- (5) collect licensure fees;
- (6) provide necessary administrative support to the licensing board;
- (7) investigate complaints regarding any licensee or facility;
- (8) have access to all records, correspondence, and financial data required to be maintained by a licensee or facility;
- (9) have authority to interview any client, family member of a client, employee, or officer of a human services licensee or facility; and
- (10) have authority to revoke, suspend, or extend any license issued by the department under this chapter by following the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act[~~;~~and].

~~[(11) prepare language for the 1999 General Session of the Legislature to codify the rules established under Subsection (1)(a)(ix).]~~

Section 2. Effective date.

This act takes effect on July 1, 1999.