

1 **OFFICE OF LICENSING IN DEPARTMENT**
2 **OF HUMAN SERVICES AMENDMENTS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Lloyd W. Frandsen**

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

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

12 AMENDS:

13 **62A-2-106**, as last amended by Chapter 358, Laws of Utah 1998

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

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

16 **62A-2-106. Office responsibilities.**

17 The office shall:

18 (1) make rules to establish:

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

20 (i) fire safety;

21 (ii) food safety;

22 (iii) sanitation;

23 (iv) infectious disease control;

24 (v) safety of the physical plant;

25 (vi) transportation safety;

26 (vii) emergency preparedness;

27 (viii) the administration of medical standards and procedures, consistent with the related

28 provisions of this title; and
29 (ix) ~~[subject to Subsection (11);]~~ consumer ~~[rights]~~ safety and protection;
30 (b) minimum administration and financial requirements for licensees; and
31 (c) guidelines for variances from rules established under this Subsection (1);
32 (2) enforce rules:
33 (a) approved by the licensing board;
34 (b) in effect on January 1, 1998, that apply to a service or program for which a licensee is
35 not under contract with a division listed in Section 62A-1-105 to provide until rules are established
36 pursuant to Subsection (2)(c); and
37 (c) established after July 1, 1999, by a policymaking board created by Section 62A-1-105
38 which:
39 (i) shall be limited to:
40 (A) the administration and maintenance of client and service records;
41 (B) staff qualifications; and
42 (C) staff to client ratios; and
43 (ii) may only apply to a service or program for which a licensee is not under contract with
44 a division listed in Section 62A-1-105 to provide;
45 (3) issue licenses in accordance with this chapter;
46 (4) conduct surveys and inspections of licensees and facilities in accordance with Section
47 62A-2-118;
48 (5) collect licensure fees;
49 (6) provide necessary administrative support to the licensing board;
50 (7) investigate complaints regarding any licensee or facility;
51 (8) have access to all records, correspondence, and financial data required to be maintained
52 by a licensee or facility;
53 (9) have authority to interview any client, family member of a client, employee, or officer
54 of a human services licensee or facility; and
55 (10) have authority to revoke, suspend, or extend any license issued by the department
56 under this chapter by following the procedures and requirements of Title 63, Chapter 46b,
57 Administrative Procedures Act~~[-and]~~.
58 ~~[(11) prepare language for the 1999 General Session of the Legislature to codify the rules~~

59 established under Subsection (1)(a)(ix).]

60 Section 2. **Effective date.**

61 This act takes effect on July 1, 1999.

Legislative Review Note
as of 2-1-99 5:58 PM

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

Office of Legislative Research and General Counsel