

1 **NURSING CARE FACILITIES ASSESSMENT**

2 **AMENDMENTS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gene Davis**

6 AN ACT RELATING TO HEALTH; ELIMINATING THE ANNUAL ADJUSTMENT OF THE
7 NURSING CARE FACILITY ASSESSMENT; MAKING TECHNICAL AMENDMENTS; AND
8 PROVIDING AN EFFECTIVE DATE.

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

10 AMENDS:

11 **26-35-104**, as last amended by Chapter 150, Laws of Utah 1994

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

13 Section 1. Section **26-35-104** is amended to read:

14 **26-35-104. Collection, remittance, and payment of nursing facilities assessment.**

15 (1) [~~Beginning July 1, 1992, an~~] An assessment is imposed upon each nursing care facility
16 in the amount of \$1.50 per patient day. [~~The amount of the assessment shall be adjusted annually~~
17 ~~as determined by rule by the department. The adjustment shall be based on the same percentage~~
18 ~~change as the percentage change in the Utah nursing facility inflation index.]~~

19 (2) (a) The assessment imposed by this chapter is due and payable on a monthly basis on
20 or before the last day of the month next succeeding each monthly period.

21 (b) The collecting agent for this assessment shall be the department which is vested with
22 the administration and enforcement of this chapter, including the right to audit records of a nursing
23 facility related to patient days of care for the facility.

24 (c) The department shall forward proceeds from the assessment imposed by this chapter
25 to the state treasurer for deposit in the General Fund as specified in Section 26-35-106.

26 (3) Each nursing facility shall, on or before the end of the month next succeeding each
27 calendar monthly period, file with the department a return for the monthly period, and shall remit

28 with the return the assessment required by this chapter to be paid for the period covered by the
29 return.

30 (4) Each return shall contain information and be in the form the department prescribes by
31 rule.

32 (5) The assessment as computed in the return shall be based on the total amount of patient
33 days during the monthly period.

34 (6) The department may by rule, extend the time for making returns and paying the
35 assessment.

36 (7) Each nursing facility that fails to pay any assessment required to be paid to the state,
37 within the time required by this chapter, or that fails to file a return as required by this chapter,
38 shall pay, in addition to the assessment, penalties and interest as provided in Section 26-35-105.

39 Section 2. **Effective date.**

40 This act takes effect on July 1, 2000.

Legislative Review Note
as of 12-1-99 1:14 PM

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

Office of Legislative Research and General Counsel