

**FOSTER CARE GUIDANCE THROUGH
PROVIDERS CONTRACTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Margaret Dayton

This act modifies the Utah Human Services Code. This act requires the department to provide a licensee or facility notification of who to contact within the department when filing a complaint.

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

AMENDS:

62A-2-105, as last amended by Chapter 358, Laws of Utah 1998

62A-2-106, as last amended by Chapter 254, Laws of Utah 1999

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

Section 1. Section **62A-2-105** is amended to read:

62A-2-105. Licensing board responsibilities.

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the licensing board shall review and approve rules regarding:

(a) approving, denying, suspending, and revoking licenses for human services licensees and facilities;

(b) conditional licenses, variances from department rule, and exclusions;

(c) the protection of the basic health and safety of clients; [~~and~~]

(d) licensing of all human services licensees that are required to be licensed under this chapter[-]; and

(e) notification to providers and subproviders of rights and responsibilities including who to contact within the department when filing a complaint against a licensee or facility, and the responsibility of the department to follow up once contacted.

(2) The licensing board shall:

(a) define information that shall be submitted to the department with an application for a license;

(b) review and approve fees, in accordance with Section 63-38-3.2, for licenses issued under this chapter;

(c) represent the community and the human services licensees; and

(d) advise the department as requested, concerning enforcement of rules established under this chapter.

Section 2. 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) consumer 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) provide notification to licensee or facility, including providers and subproviders, of a person within the department to contact when filing a complaint;

~~[(7)]~~ (8) investigate complaints regarding any licensee or facility;

~~[(8)]~~ (9) have access to all records, correspondence, and financial data required to be maintained by a licensee or facility;

~~[(9)]~~ (10) have authority to interview any client, family member of a client, employee, or officer of a human services licensee or facility; and

~~[(10)]~~ (11) 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.