

1                                   **HEALTH CARE FACILITY LICENSING**

2   **EXEMPTION**

3   2004 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: John W. Hickman**

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7   **LONG TITLE**

8   **General Description:**

9                   This bill amends the Health Care Facility Licensing and Inspection Act.

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ authorizes the Department of Health to exempt certain end-of-life health care  
13 facilities from the licensing and inspections of Title 26, Chapter 21, Health Care  
14 Facility Licensing and Inspection Act, by administrative rule.

15 **Monies Appropriated in this Bill:**

16                   None

17 **Other Special Clauses:**

18                   None

19 **Utah Code Sections Affected:**

20 AMENDS:

21                   **26-21-7**, as last amended by Chapter 353, Laws of Utah 1995

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

24                   Section 1. Section **26-21-7** is amended to read:

25                   **26-21-7. Exempt facilities.**

26                   This chapter does not apply to:

27                   (1) a dispensary or first aid facility maintained by any commercial or industrial plant,



- 28 educational institution, or convent;
- 29 (2) a health care facility owned or operated by an agency of the United States;
- 30 (3) the office of a physician or dentist whether it is an individual or group practice;
- 31 (4) a health care facility established or operated by any recognized church or
- 32 denomination for the practice of religious tenets administered by mental or spiritual means
- 33 without the use of drugs, whether gratuitously or for compensation, if it complies with statutes
- 34 and rules on environmental protection and life safety; ~~and~~
- 35 (5) any health care facility owned or operated by the Department of Corrections,
- 36 created in Section 64-13-2[-]; and
- 37 (6) a residential facility providing 24-hour care:
- 38 (a) that does not employ direct care staff;
- 39 (b) in which the residents of the facility contract with a licensed hospice agency to
- 40 receive end-of-life medical care; and
- 41 (c) that meets other requirements for an exemption as designated by administrative
- 42 rule.

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**Legislative Review Note**  
**as of 9-17-03 8:47 AM**

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

**Office of Legislative Research and General Counsel**