

1 **AMENDMENTS TO INTERMEDIATE CARE**
2 **FACILITIES FOR MENTALLY RETARDED**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Rebecca D. Lockhart**

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Nursing Care Facility Assessment Act to include intermediate care
10 facilities for the mentally retarded.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends the definition of nursing care facility to include intermediate care facilities
14 for the mentally retarded; and
15 ▶ clarifies the rulemaking authority of the department in setting the uniform rate
16 for intermediate care facilities for the mentally retarded.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 This bill takes effect on July 1, 2005.

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **26-35a-103**, as enacted by Chapter 284, Laws of Utah 2004

24 ENACTS:

25 **26-35a-108**, Utah Code Annotated 1953

26
27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **26-35a-103** is amended to read:

29 **26-35a-103. Definitions.**

30 As used in this chapter:

31 (1) (a) "Nursing care facility" means:

32 (i) a nursing care facility described in Subsection 26-21-2(17)[-];

33 (ii) ~~H~~ **beginning January 1, 2006,** ~~H~~ a designated swing bed in ~~H~~ :

33a (A) ~~H~~ a general acute hospital as defined in Subsection

34 26-21-2(11); and

34a ~~H~~ **(B) a critical access hospital which meets the criteria of 42 U.S.C. 1395i-4(c)(2)(1998);**

34b **and** ~~H~~

35 (iii) an intermediate care facility for the mentally retarded that is licensed under Section

36 26-21-13.5.

37 (b) "Nursing care facility" does not include:

38 (i) the Utah State Developmental Center;

39 (ii) the Utah State Hospital;

40 (iii) a general acute hospital, specialty hospital, or small health care facility as defined

41 in Section 26-21-2; or

42 [~~(iv) an intermediate care facility for the mentally retarded that is licensed under~~

43 ~~Section 26-21-13.5; or]~~

44 [~~(v)~~ (iv) the Utah State Veteran's Home.

45 (2) "Patient day" means each calendar day in which an individual patient is admitted to

46 the nursing care facility during a calendar month, even if on a temporary leave of absence from

47 the facility.

48 Section 2. Section **26-35a-108** is enacted to read:

49 **26-35a-108. Intermediate care facilities for the mentally retarded -- Uniform rate.**

50 An intermediate care facility for the mentally retarded is subject to all the provisions of

51 this chapter, except that the department shall establish a uniform rate for intermediate care

52 facilities for the mentally retarded that:

53 (1) is based on the same formula specified for nursing care facilities under the

54 provisions of Subsection 26-35a-104(1)(b); and

55 (2) may be different than the uniform rate established for other nursing care facilities.

56 Section 3. **Effective date.**

57 This bill takes effect on July 1, 2005.

Legislative Review Note

as of 1-7-05 9:23 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

This bill adds intermediate care facilities for the mentally retarded to the definition of "nursing care facilities" which are subject to the Nursing Care Facility Assessment. It is estimated that revenue generated from this assessment would be approximately \$1,454,300, which could be matched with federal funds of \$3,579,600. The total of \$5 million would be appropriated to the Medicaid budget to increase reimbursement rates for those facilities.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Federal Funds	\$3,579,600	\$3,579,600	\$3,579,600	\$3,579,600
Restricted Funds	\$1,454,300	\$1,454,300	\$1,454,300	\$1,454,300
TOTAL	\$5,033,900	\$5,033,900	\$5,033,900	\$5,033,900

Individual and Business Impact

Owners of intermediate care facilities for the mentally retarded would be required to pay the assessment imposed by 26-35a-104. This increase will be offset by an increase in reimbursement rates for Medicaid patients.
