

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **64-13-39.5**, Utah Code Annotated 1953

32

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

34 Section 1. Section **64-13-39.5** is enacted to read:

35 **64-13-39.5. Definitions -- Health care for chronically or terminally ill -- Notice to**
 36 **health care facility.**

37 (1) As used in this section:

38 (a) "Chronically ill" has the same meaning as in Section 31A-36-102.

39 (b) "Health care facility" ~~H→~~ **[has the same meaning as in Section 26-21-2] means an**
 39a **assisted living facility as defined in Subsection 26-21-2(5) and a nursing care facility as defined**
 39b **in Subsection 26-21-2 (17), except that transitional care units and other long term care beds**
 39c **owned or operated on the premises of acute care hospitals or critical**
 39d **care hospitals are not health care facilities for the purpose of this section** ←H .

40 (c) "Terminally ill" has the same meaning as in Section 31A-36-102.

41 ~~H→~~ **[(2) The department shall provide appropriate health care for an inmate who is**
 42 **chronically ill or who is terminally ill.**

43 ~~—~~ ~~(3)]~~ ~~(2)~~ ←H **If an inmate is given an early release, pardon, or parole due to a chronic**
 43a **or terminal**

44 **illness, and is subsequently admitted as a resident of a health care facility due to the chronic or**
 45 **terminal illness, the department shall provide written notice to the administrator of the facility,**
 46 **stating:**

47 (a) **the offense for which the offender was convicted and a description of the actual**
 48 **offense;**

49 (b) **the offender's status with the department; and**

50 (c) **that the information provided by the department regarding the offender shall be**
 51 **provided to employees** ~~H→~~ **[or residents]** ←H **of the facility no later than** ~~H→~~ **[30] ten** ←H **days**
 51a **prior to the offender's**
 52 **admission to the facility.**

52a ~~H→~~ **(3) (a) The administrator of the facility shall provide residents of the facility or**
 52b1 **their**

52b **guardians notice that a convicted felon is being admitted to the facility no later than ten days**
 52c **prior to the offender's admission to the facility.**

52d **(b) The administrator of the facility shall advise potential residents or their guardians**
 52e **of persons under Subsection (2) who are current residents of the facility.** ←H

53 (4) The department shall provide notice under Subsection (3) ~~H~~→ (a) ~~H~~← no later than
53a1 ~~H~~→ [45]
53a 15 ~~H~~← days
54 prior to the offender's admission as a resident of a health care facility.
54a ~~H~~→ (5) The department shall make rules under Title 63, Chapter 46a, Utah
54b Administrative Rule making Act, establishing a consistent format and procedure for providing
54c notification to facilities under this section. ~~H~~←



Legislative Review Note

as of 12-19-05 3:53 PM

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

Fiscal Note
Bill Number HB0125

State Long-term Care for Inmates

23-Jan-06

7:51 AM

State Impact

Fiscal impacts can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst



