

**UTAH MEDICAL EDUCATION COUNCIL AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Stewart Barlow

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**LONG TITLE**

**General Description:**

This bill merges the existing Utah Medical Education Council into the Utah Department of Health.

**Highlighted Provisions:**

This bill:

- ▶ moves the existing authority and functions of the Utah Medical Education Council into the Utah Department of Health;
- ▶ grants authority to the executive director of the Utah Department of Health to appoint members of the Utah Medical Education Council; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**26-46a-101**, Utah Code Annotated 1953

**26-46a-201**, Utah Code Annotated 1953

**26-46a-301**, Utah Code Annotated 1953

**26-46a-401**, Utah Code Annotated 1953



28 RENUMBERS AND AMENDS:

29 **26-46a-102**, (Renumbered from 63C-8-101, as last amended by Laws of Utah 2000,  
30 Chapter 1)

31 **26-46a-202**, (Renumbered from 63C-8-102, as enacted by Laws of Utah 1997, Chapter  
32 202)

33 **26-46a-302**, (Renumbered from 63C-8-103, as last amended by Laws of Utah 2010,  
34 Chapter 286)

35 **26-46a-303**, (Renumbered from 63C-8-104, as enacted by Laws of Utah 1997, Chapter  
36 202)

37 **26-46a-304**, (Renumbered from 63C-8-105, as last amended by Laws of Utah 2008,  
38 Chapter 382)

39 **26-46a-402**, (Renumbered from 63C-8-106, as last amended by Laws of Utah 2008,  
40 Chapter 382)

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

43 Section 1. Section **26-46a-101** is enacted to read:

44 **CHAPTER 46a. UTAH MEDICAL EDUCATION COUNCIL ACT**

45 **Part 1. General Provisions**

46 **26-46a-101. Title.**

47 (1) This chapter is known as the "Utah Medical Education Council Act."

48 (2) This part is known as "General Provisions."

49 Section 2. Section **26-46a-102**, which is renumbered from Section 63C-8-101 is  
50 renumbered and amended to read:

51 **[63C-8-101]. 26-46a-102. Definitions.**

52 As used in this chapter:

53 (1) "Accredited clinical education program" means a clinical education program for a  
54 health care profession that is accredited by the Accreditation Council on Graduate Medical  
55 Education.

56 (2) "Accredited clinical training program" means a clinical training program that is  
57 accredited by an entity recognized within medical education circles as an accrediting body for  
58 medical education, advanced practice nursing education, physician assistance education, or

59 doctor of pharmacy education.

60 (3) "Council" means the Medical Education Council created under Section  
61 [~~63C-8-103~~] 26-46a-302.

62 (4) "Health Care Financing Administration" means the Health Care Financing  
63 Administration within the United States Department of Health and Human Services.

64 (5) "Health care professionals in training" means medical students and residents,  
65 advance practice nursing students, physician assistant students, and doctor of pharmacy  
66 students.

67 (6) "Program" means the Medical Education Program created under Section  
68 [~~63C-8-102~~] 26-46a-202.

69 Section 3. Section **26-46a-201** is enacted to read:

70 **Part 2. Medical Education Program**

71 **26-46a-201. Title.**

72 This part is known as the "Medical Education Program."

73 Section 4. Section **26-46a-202**, which is renumbered from Section 63C-8-102 is  
74 renumbered and amended to read:

75 [~~63C-8-102~~]. **26-46a-202. Medical Education Program.**

76 (1) There is created within the department a Medical Education Program to be  
77 administered by the Medical Education Council in cooperation with the Division of Finance.

78 (2) The program shall be funded from money received for graduate medical education  
79 from:

80 (a) the federal Health Care Financing Administration or other federal agency;

81 (b) state appropriations; and

82 (c) donation or private contributions.

83 (3) All funding for this program shall be nonlapsing.

84 (4) Program money may only be expended if:

85 (a) approved by the council; and

86 (b) used for graduate medical education in accordance with Subsection [~~63C-8-104(7)~~]  
87 26-46a-303(7).

88 Section 5. Section **26-46a-301** is enacted to read:

89 **Part 3. Medical Education Council**

90 **26-46a-301. Title.**

91 This part is known as the "Medical Education Council."

92 Section 6. Section **26-46a-302**, which is renumbered from Section 63C-8-103 is  
93 renumbered and amended to read:

94 ~~[63C-8-103].~~ **26-46a-302. Medical Education Council.**

95 (1) There is created within the department the Medical Education Council consisting of  
96 the following members appointed by the ~~[governor]~~ executive director of the department:

97 (a) the dean of the school of medicine at the University of Utah;

98 (b) a person who represents graduate medical education at the University of Utah;

99 (c) a person from each institution, other than the University of Utah, that sponsors an  
100 accredited clinical education program;

101 (d) a person from the health care insurance industry; and

102 (e) three members of the general public who are not employed by or affiliated with any  
103 institution that offers, sponsors, or finances health care or medical education; however, the  
104 governor may appoint an additional member of the public under this Subsection (1)(e) for each  
105 person the governor appoints that increases the total number of persons appointed under  
106 Subsection (1)(c) beyond two.

107 (2) Except as provided in Subsection (1)(a) and (b), no two council members may be  
108 employed by or affiliated with the same:

109 (a) institution of higher education;

110 (b) state agency outside of higher education; or

111 (c) private entity.

112 (3) The dean of the school of medicine at the University of Utah:

113 (a) shall chair the council;

114 (b) may not be counted in determining the existence of a quorum; and

115 (c) may only cast a vote on a matter before the council if the vote of the other council  
116 members results in a tied vote.

117 (4) The council shall annually elect a vice chair from among the members of the  
118 council.

119 (5) (a) Consistent with Subsection (6)(b), a majority of the council members constitute  
120 a quorum.

121 (b) The action of a majority of a quorum is the action of the council.

122 (6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year  
123 terms of office.

124 (b) Notwithstanding Subsection (6)(a), the ~~[governor]~~ executive director of the  
125 department shall, at the time of the initial appointment, adjust the length of terms to ensure that  
126 the terms of council members are staggered so that approximately half of the council is  
127 appointed every two years.

128 (c) If a vacancy occurs in the membership for any reason, the replacement shall be  
129 appointed by the ~~[governor]~~ executive director of the department for the unexpired term in the  
130 same manner as the original appointment was made.

131 (7) A member may not receive compensation or benefits for the member's service, but  
132 may receive per diem and travel expenses in accordance with:

133 (a) Section 63A-3-106;

134 (b) Section 63A-3-107; and

135 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
136 63A-3-107.

137 Section 7. Section ~~26-46a-303~~, which is renumbered from Section 63C-8-104 is  
138 renumbered and amended to read:

139 ~~[63C-8-104].~~ **26-46a-303. Duties of council.**

140 The council shall:

141 (1) submit an application in accordance with federal law for a demonstration project to  
142 the Health Care Financing Administration before December 31, 1997, for the purpose of  
143 receiving and disbursing federal funds for direct and indirect graduate medical education  
144 expenses;

145 (2) seek private and public contributions for the program;

146 (3) study and recommend options for financing graduate medical education to the State  
147 Board of Regents and the Legislature;

148 (4) advise the State Board of Regents and the Legislature on the status and needs of  
149 health care professionals in training;

150 (5) determine the method for reimbursing institutions that sponsor health care  
151 professionals in training;

152 (6) determine the number and type of positions for health care professionals in training  
153 for which program money may be used; and

154 (7) distribute program money for graduate medical education in a manner that:

155 (a) prepares postgraduate medical residents, as defined by the accreditation council on  
156 graduate medical education, for inpatient, outpatient, hospital, community, and geographically  
157 diverse settings;

158 (b) encourages the coordination of interdisciplinary clinical training among health care  
159 professionals in training;

160 (c) promotes stable funding for the clinical training of health care professionals in  
161 training; and

162 (d) only funds accredited clinical training programs.

163 Section 8. Section **26-46a-304**, which is renumbered from Section 63C-8-105 is  
164 renumbered and amended to read:

165 ~~[63C-8-105]~~. **26-46a-304. Powers of council.**

166 The council may:

167 (1) conduct surveys, with the assistance of the Division of Occupational and  
168 Professional Licensing within the Department of Commerce, to assess and meet changing  
169 market and education needs;

170 (2) notwithstanding the provisions of Subsection 35A-4-312(3), receive information  
171 obtained by the Division of Workforce Information and Payment Services under the provisions  
172 of Section 35A-4-312 for purposes consistent with the council's duties as identified under  
173 Section ~~[63C-8-104]~~ 26-46a-303, including identifying changes in the medical and health care  
174 workforce numbers, types, and geographic distribution;

175 (3) appoint advisory committees of broad representation on interdisciplinary clinical  
176 education, workforce mix planning and projections, funding mechanisms, and other topics as is  
177 necessary;

178 (4) use federal money for necessary administrative expenses to carry out its duties and  
179 powers as permitted by federal law;

180 (5) distribute program money in accordance with Subsection ~~[63C-8-104(7)]~~  
181 26-46a-303(7); and

182 (6) as is necessary to carry out its duties under Section ~~[63C-8-104]~~ 26-46a-303:

- 183 (a) hire employees; and
- 184 (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 185 Rulemaking Act.

186 Section 9. Section **26-46a-401** is enacted to read:

187 **Part 4. Rural Residency Training Program**

188 **26-46a-401. Title.**

189 This part is known as the "Rural Residency Training Program."

190 Section 10. Section **26-46a-402**, which is renumbered from Section 63C-8-106 is  
191 renumbered and amended to read:

192 ~~[63C-8-106].~~ **26-46a-402. Rural residency training program.**

193 (1) For purposes of this section:

194 (a) "Physician" means:

- 195 (i) a person licensed to practice medicine under Title 58, Chapter 67, Utah Medical
- 196 Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
- 197 (ii) a person licensed to practice dentistry under Title 58, Chapter 69, Dentist and
- 198 Dental Hygienist Practice Act.

199 (b) "Rural residency training program" means an accredited clinical training program  
200 as defined in Section ~~[63C-8-101]~~ 26-46a-102 which places a physician into a rural county for  
201 a part or all of the physician's clinical training.

202 (2) (a) Subject to appropriations from the Legislature, the council shall establish a pilot  
203 program to place physicians into rural residency training programs.

204 (b) The pilot program shall begin July 1, 2005 and sunset July 1, 2015, in accordance  
205 with Section 63I-1-263.

206 (3) (a) The council shall report to the Legislature's Health and Human Services Interim  
207 Committee concerning the implementation of the pilot program and the success of the program  
208 in increasing the retention or recruitment of physicians in rural counties in the state.

209 (b) The report required by this Subsection (3) shall be made by November 30 of each  
210 year.

**Legislative Review Note**  
**as of 1-21-13 4:02 PM**

**Office of Legislative Research and General Counsel**