

HB0226S01 compared with HB0226

{deleted text} shows text that was in HB0226 but was deleted in HB0226S01.

inserted text shows text that was not in HB0226 but was inserted into HB0226S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Wayne A. Harper proposes the following substitute bill:

LONG-TERM CARE PATIENT AND CONSUMER RIGHTS PROTECTION

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: { }**Wayne A. Harper**

LONG TITLE

General Description:

This bill regulates assisted living and nursing home facilities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a facility to make disclosures; and
- ▶ creates a penalty.

Money Appropriated in this Bill:

None

Other Special Clauses:

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None

Utah Code Sections Affected:

ENACTS:

26-21-35, Utah Code Annotated 1953

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

Section 1. Section **26-21-35** is enacted to read:

26-21-35. Resident Consumer Protection.

(1) As used in this section:

(a) "Eligible requester" means:

(i) a resident;

(ii) a prospective resident;

(iii) a legal representative of a resident or prospective resident; or

(iv) the department.

(b) "Facility" means an assisted living facility or nursing care facility.

(c) "Facility's leadership" means a facility's:

(i) owner;

(ii) administrator;

(iii) director; or

(iv) employee that is in a position to determine which providers have access to the facility.

(d) "Personal care agency" means a person that provides assistance with activities of daily living.

(e) "Provider" means a home health agency, hospice provider, medical provider, or personal care agency.

(f) "Resident" means an individual who resides in a facility.

(2) Subject to other state or federal laws, a facility may limit which providers have access to the facility if the facility complies with Subsection (3).

(3) (a) A facility that prohibits a provider from accessing the facility shall:

(i) before or at the time a prospective resident or prospective resident's legal representative signs an admission contract, inform the prospective resident or prospective

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resident's legal representative that the facility prohibits one or more providers from accessing the facility;

(ii) if an eligible requester requests to know which providers have access to the facility, refer the eligible requester to a member of the facility's leadership; and

(iii) if a provider requests to know whether the provider has access to the facility, refer the provider to a member of the facility's leadership.

(b) If a facility refers an eligible requester to a member of the facility's leadership under Subsection (3)(a)(ii), the member of the facility's leadership shall inform the eligible requester:

(i) which providers the facility:

(A) allows to access the facility; or

(B) prohibits from accessing the facility;

(ii) that a provider's access to the facility may change at any time; and

(iii) whether a person in the facility's leadership has a legal or financial interest in a provider that is allowed to access the facility.

(c) If a facility refers a provider to a member of the facility's leadership under Subsection (3)(a)(iii), the member of the facility's leadership:

(i) shall disclose whether the provider has access to the facility; and

(ii) may disclose any other information described in Subsection (3)(b).

(d) If a resident is being served by a provider that is later prohibited from accessing the facility, the facility shall:

(i) allow the provider access to the facility to finish the resident's current episode of care; or

(ii) provide to the resident a written explanation of why the provider no longer has access to the facility.

(4) This section does not apply to a facility operated by a government unit.

(5) The department may issue a notice of deficiency if a facility that denies a provider access under Subsection (2) does not comply with Subsection (3) at the time of the denial.