

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.

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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.