

**UTAH HEALTH WORKFORCE ACT**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K. Thurston**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions relating to Utah's health workforce.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Utah Health Workforce Advisory Council (council);
- ▶ requires the council to provide information and recommendations to government entities regarding policy decisions that affect Utah's health workforce;
- ▶ creates the Utah Health Workforce Information Center (information center);
- ▶ requires the information center to conduct research and analyze data regarding Utah's health workforce;
- ▶ modifies the Utah Medical Education Council's duties;
- ▶ requires the Department of Commerce to work with the council and the information center to collect data regarding Utah's health workforce; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**



28 AMENDS:

29 **53B-24-202**, as last amended by Laws of Utah 2015, Chapter 258

30 **53B-24-302**, as renumbered and amended by Laws of Utah 2013, Chapter 28

31 **53B-24-303**, as last amended by Laws of Utah 2018, Chapter 354

32 **53B-24-304**, as renumbered and amended by Laws of Utah 2013, Chapter 28

33 **53B-26-202**, as last amended by Laws of Utah 2020, Chapter 365

34 ENACTS:

35 **26-69-101**, Utah Code Annotated 1953

36 **26-69-201**, Utah Code Annotated 1953

37 **26-69-202**, Utah Code Annotated 1953

38 **26-69-203**, Utah Code Annotated 1953

39 **26-69-301**, Utah Code Annotated 1953

40 **58-1-112**, Utah Code Annotated 1953



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

43 Section 1. Section **26-69-101** is enacted to read:

44 **CHAPTER 69. UTAH HEALTH WORKFORCE ACT**

45 **Part 1. General Provisions**

46 **26-69-101. Definitions.**

47 As used in this chapter:

48 (1) "Council" means the Utah Health Workforce Advisory Council created in Section  
49 26-69-103.

50 (2) "Health sector" means any place of employment where the primary function is the  
51 delivery of health care services.

52 (3) (a) "Health workforce" means the individuals, collectively and by profession, who  
53 deliver health care services or assist in the delivery of health care services.

54 (b) "Health workforce" includes any health care professional who does not work in the  
55 health sector and any non-health care professional who works in the health sector.

56 Section 2. Section **26-69-201** is enacted to read:

57 **Part 2. Utah Health Workforce Advisory Council**

58 **26-69-201. Utah Health Workforce Advisory Council creation and membership.**

- 59           (1) There is created within the department the Utah Health Workforce Advisory  
60 Council.
- 61           (2) The council shall be comprised of at least 14 but not more than 19 members.
- 62           (3) The following are members of the council:
- 63           (a) the executive director or that individual's designee;
- 64           (b) the executive director of the Department of Workforce Services or that individual's  
65 designee;
- 66           (c) the commissioner of higher education of the Utah System of Higher Education or  
67 that individual's designee;
- 68           (d) the state superintendent of the State Board of Education or that individual's  
69 designee;
- 70           (e) the executive director of the Department of Commerce or that individual's designee;
- 71           (f) the director of the Division of Multicultural Affairs or that individual's designee;
- 72           (g) the director of the Utah Substance Use and Mental Advisory Council or that  
73 individual's designee;
- 74           (h) the chair of the Utah Indian Health Advisory Board; and
- 75           (i) the chair of the Medical Education Council created in Section [53B-24-302](#).
- 76           (4) The executive director shall appoint at least five but not more than ten additional  
77 members that represent diverse perspectives regarding Utah's health workforce.
- 78           (5) (a) A member appointed by the executive director under Subsection (4) shall serve  
79 a four-year term.
- 80           (b) Notwithstanding Subsection (5)(a) for the initial appointments of members  
81 described in Subsection (4) the executive director shall appoint at least three but not more than  
82 five members to a two-year appointment to ensure that approximately half of the members  
83 appointed by the executive director rotate every two years.
- 84           (6) The executive director or the executive director's designee shall chair the council.
- 85           Section 3. Section **26-69-202** is enacted to read:
- 86           **26-69-202. Council and executive director duties.**
- 87           (1) The council shall:
- 88           (a) meet at least once each quarter;
- 89           (b) study and provide recommendations to an entity described in Subsection (2)

- 90 regarding:
- 91 (i) health workforce supply;
- 92 (ii) health workforce employment trends and demand;
- 93 (iii) options for training and educating the health workforce;
- 94 (iv) the implementation or improvement of strategies that entities in the state are using
- 95 or may use to address health workforce needs including:
- 96 (A) shortages;
- 97 (B) recruitment; and
- 98 (C) retention; and
- 99 (v) other Utah health workforce priorities as determined by the council;
- 100 (c) provide guidance to an entity described in Subsection (2) regarding health
- 101 workforce related matters;
- 102 (d) review and comment on legislation relevant to Utah's health workforce; and
- 103 (e) advise the Utah Board of Higher Education and the Legislature on the status and
- 104 needs of the health workforce who are in training.
- 105 (2) The council shall provide information described in Subsections (1)(b) and (c) to:
- 106 (a) the Legislature;
- 107 (b) the department;
- 108 (c) the Department of Workforce Services;
- 109 (d) the Department of Commerce;
- 110 (e) the Medical Education Council; and
- 111 (f) any other entity the council deems appropriate upon the entity's request.
- 112 (3) (a) The Medical Education Council created in Section [53B-24-302](#) is a
- 113 subcommittee of the council.
- 114 (b) The council may establish subcommittees to support the work of the council.
- 115 (c) A member of the council shall chair a subcommittee created by the council.
- 116 (d) Except for the Medical Education Council, the chair of the subcommittee may
- 117 appoint any individual to the subcommittee.
- 118 (4) For any report created by the council or a subcommittee of the council that pertains
- 119 to any duty described in Subsection (1), the council shall:
- 120 (a) provide the report to:

- 121 (i) the department; and
- 122 (ii) any appropriate legislative committee; and
- 123 (b) post the report on the council's website.
- 124 (5) The executive director shall:
- 125 (a) ensure the council has adequate staff to support the council and any subcommittee
- 126 created by the council; and
- 127 (b) provide any available information upon the council's request if:
- 128 (i) that information is necessary for the council to fulfill a duty described in Subsection
- 129 (1); and
- 130 (ii) the department has access to the information.

131 Section 4. Section **26-69-203** is enacted to read:

132 **26-69-203. Members serve without pay -- Reimbursement for expenses.**

133 A member of the council or a subcommittee created by the council may not receive  
134 compensation or benefits for the member's service but may receive per diem and travel  
135 expenses as allowed in:

- 136 (1) Section [63A-3-106](#);
- 137 (2) Section [63A-3-107](#); and
- 138 (3) rules made by the Division of Finance according to Sections [63A-3-106](#) and
- 139 [63A-3-107](#).

140 Section 5. Section **26-69-301** is enacted to read:

141 **Part 3. Utah Health Workforce Information Center**

142 **26-69-301. Utah Health Workforce Information Center.**

143 (1) There is created within the department the Utah Health Workforce Information  
144 Center.

145 (2) The information center shall:

146 (a) under the guidance of the council, work with the Department of Commerce to  
147 collect data described in Section [58-1-112](#);

148 (b) analyze data from any available source regarding Utah's health workforce including  
149 data collected by the Department of Commerce under Section [58-1-112](#);

150 (c) send a report to the council regarding any analysis of health workforce data;

151 (d) conduct research on Utah's health workforce as directed by the council;

152 (e) notwithstanding the provisions of Subsection 35A-4-312(3), receive information  
153 obtained by the Department of Workforce Services under the provisions of Section 35A-4-312  
154 for purposes consistent with the information center's duties, including identifying changes in  
155 Utah's health workforce numbers, types, and geographic distribution;

156 (f) work with the Utah System of Higher Education to identify and obtain relevant data  
157 and information regarding Utah's health workforce;

158 (g) project the demand for individuals to enter health care professions, including the  
159 nursing profession in accordance with Section 53B-26-202;

160 (h) subject to Section 26-3-7, share data with any appropriate person as determined by  
161 the information center; and

162 (i) conduct research and provide analysis for any state agency as approved by the  
163 executive director or the executive director's designee.

164 (3) Notwithstanding any other provision of state law, the information center is  
165 authorized to obtain data from any state agency if:

166 (a) the council and the information center deem receiving the data necessary to perform  
167 a duty listed under Subsection (2) or 26-69-202(1); and

168 (b) the information center's access to the data will not:

169 (i) violate any federal statute or federal regulation; or

170 (ii) violate a condition a state agency must follow:

171 (A) to participate in a federal program; or

172 (B) to receive federal funds.

173 Section 6. Section **53B-24-202** is amended to read:

174 **53B-24-202. Medical Education Program.**

175 (1) There is created a Medical Education Program to be administered by the Medical  
176 Education Council in cooperation with the Division of Finance.

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

179 (a) the federal Centers for Medicare and Medicaid Services or other federal agency;

180 (b) state appropriations; and

181 (c) donation or private contributions.

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

183 (4) Program money may only be expended if:  
 184 (a) approved by the council; and  
 185 (b) used for graduate medical education in accordance with Subsection  
 186 ~~[53B-24-303(7)]~~ 53B-24-303(4).

187 Section 7. Section **53B-24-302** is amended to read:

188 **53B-24-302. Medical Education Council.**

189 ~~[(1) There is created the Medical Education Council consisting of the following~~  
 190 ~~members appointed by the governor:]~~

191 (1) (a) There is created the Medical Education Council which is a subcommittee of the  
 192 Utah Health Workforce Advisory Council.

193 (b) The membership of the council shall consist of the following appointed by the  
 194 governor:

195 ~~[(a)]~~ (i) the dean of the school of medicine at the University of Utah;

196 ~~[(b) a person]~~ (ii) an individual who represents graduate medical education at the  
 197 University of Utah;

198 ~~[(c) a person]~~ (iii) an individual from each institution, other than the University of  
 199 Utah, that sponsors an accredited clinical education program;

200 ~~[(d) a person]~~ (iv) an individual from the health care insurance industry; and

201 ~~[(e)]~~ (v) (A) three members of the general public who are not employed by or affiliated  
 202 with any institution that offers, sponsors, or finances health care or medical education;

203 ~~[however,]~~ and

204 (B) if the number of individuals appointed under Subsection (1)(b)(ii) is more than  
 205 two, the governor may appoint an additional member of the public under this Subsection

206 ~~[(1)(e)]~~ (1)(b)(v) for each ~~[person]~~ individual the governor appoints ~~[that increases the total~~  
 207 ~~number of persons appointed]~~ under Subsection ~~[(1)(e)]~~ (1)(b)(ii) beyond two.

208 (2) Except as provided in ~~[Subsection (1)(a) and (b)]~~ Subsections (1)(b)(i) and (ii), no  
 209 two council members may be employed by or affiliated with the same:

210 (a) institution of higher education;

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

212 (c) private entity.

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

214 (a) shall chair the council;  
215 (b) may not be counted in determining the existence of a quorum; and  
216 (c) may only cast a vote on a matter before the council if the vote of the other council  
217 members results in a tied vote.

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

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

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

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

225 (b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial  
226 appointment, adjust the length of terms to ensure that the terms of council members are  
227 staggered so that approximately half of the council is appointed every two years.

228 (c) If a vacancy occurs in the membership for any reason, the replacement shall be  
229 appointed by the governor for the unexpired term in the same manner as the original  
230 appointment was made.

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

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

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

235 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
236 63A-3-107.

237 Section 8. Section 53B-24-303 is amended to read:

238 **53B-24-303. Duties of council.**

239 The council shall:

240 [~~(1) submit an application in accordance with federal law for a demonstration project to~~  
241 ~~the Centers for Medicare and Medicaid Services before December 31, 1997, for the purpose of~~  
242 ~~receiving and disbursing federal funds for direct and indirect graduate medical education~~  
243 ~~expenses;]~~

244 [(2)] (1) seek private and public contributions for the program;



245 ~~[(3) study and recommend options for financing graduate medical education to the~~  
246 ~~board and the Legislature;]~~

247 ~~[(4) advise the board and the Legislature on the status and needs of health care~~  
248 ~~professionals in training;]~~

249 ~~[(5)]~~ (2) determine the method for reimbursing institutions that sponsor health care  
250 professionals in training;

251 ~~[(6)]~~ (3) determine the number and type of positions for health care professionals in  
252 training for which program money may be used;

253 ~~[(7)]~~ (4) distribute program money for graduate medical education in a manner that:

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

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

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

261 (d) only funds accredited clinical training programs; and

262 ~~[(8) project the demand for individuals to enter a nursing profession as described in~~  
263 ~~Section 53B-26-202;]~~

264 (5) advise on the implementation of the program.

265 Section 9. Section 53B-24-304 is amended to read:

266 **53B-24-304. Powers of council.**

267 The council may:

268 ~~[(1) conduct surveys, with the assistance of the Division of Occupational and~~  
269 ~~Professional Licensing within the Department of Commerce, to assess and meet changing~~  
270 ~~market and education needs;]~~

271 ~~[(2) notwithstanding the provisions of Subsection 35A-4-312(3), receive information~~  
272 ~~obtained by the Division of Workforce Information and Payment Services under the provisions~~  
273 ~~of Section 35A-4-312 for purposes consistent with the council's duties as identified under~~  
274 ~~Section 53B-24-303, including identifying changes in the medical and health care workforce~~  
275 ~~numbers, types, and geographic distribution;]~~

276           ~~[(3)]~~ (1) appoint advisory committees of broad representation on interdisciplinary  
277 clinical education, workforce mix planning and projections, funding mechanisms, and other  
278 topics as is necessary;

279           ~~[(4)]~~ (2) use federal money for necessary administrative expenses to carry out its duties  
280 and powers as permitted by federal law;

281           ~~[(5)]~~ (3) distribute program money in accordance with Subsection [~~53B-24-303(7)~~]  
282 ~~53B-24-303(4)~~; and

283           ~~[(6)]~~ (4) as is necessary to carry out ~~[its]~~ the council's duties under Section  
284 ~~53B-24-303~~:

285           (a) hire employees; and

286           (b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
287 Rulemaking Act.

288           Section 10. Section **53B-26-202** is amended to read:

289           **53B-26-202. Nursing initiative -- Reporting requirements -- Proposals -- Funding.**

290           (1) Every even-numbered year, ~~[the Medical Education Council created in Section~~  
291 ~~53B-24-302]~~ the Utah Health Workforce Information Center created in Section 26-69-301  
292 shall:

293           (a) project the demand, by license classification, for individuals to enter a nursing  
294 profession in each region;

295           (b) receive input from at least one medical association in developing the projections  
296 described in Subsection (1)(a); and

297           (c) report the projections described in Subsection (1)(a) to:

298           (i) the board; and

299           (ii) the Higher Education Appropriations Subcommittee.

300           (2) To receive funding under this section, on or before January 5, an eligible program  
301 shall submit to the Higher Education Appropriations Subcommittee, through the budget  
302 process for the board, as applicable, a proposal that describes:

303           (a) a program of instruction offered by the eligible program that is responsive to a  
304 projection described in Subsection (1)(a);

305           (b) the following information about the eligible program:

306           (i) expected student enrollment;

- 307 (ii) attainment rates;
- 308 (iii) job placement rates; and
- 309 (iv) passage rates for exams required for licensure for a nursing profession;
- 310 (c) the instructional cost per full-time equivalent student enrolled in the eligible
- 311 program;
- 312 (d) financial or in-kind contributions to the eligible program from:
- 313 (i) the health care industry; or
- 314 (ii) an institution; and
- 315 (e) a funding request, including justification for the request.
- 316 (3) The Higher Education Appropriations Subcommittee shall:
- 317 (a) review a proposal submitted under this section using the following criteria:
- 318 (i) the proposal:
- 319 (A) contains the elements described in Subsection (2);
- 320 (B) expands the capacity to meet the projected demand described in Subsection (1)(a);
- 321 and
- 322 (C) has health care industry or institution support; and
- 323 (ii) the program of instruction described in the proposal:
- 324 (A) is cost effective;
- 325 (B) has support from the health care industry or an institution; and
- 326 (C) has high passage rates on exams required for licensure for a nursing profession;
- 327 (b) determine the extent to which to fund the proposal; and
- 328 (c) make an appropriation recommendation to the Legislature on the amount of money
- 329 determined under Subsection (3)(b) to the eligible program's institution.
- 330 (4) An institution that receives funding under this section shall use the funding to
- 331 increase the number of students enrolled in the eligible program for which the institution
- 332 receives funding.
- 333 (5) [~~On or before November 1, 2020, and annually thereafter,~~] On or before November
- 334 1 of each year, the board shall report to the Higher Education Appropriations Subcommittee on
- 335 the elements described in Subsection (2) for each eligible program funded under this section.
- 336 Section 11. Section **58-1-112** is enacted to read:
- 337 **58-1-112. Data collection.**

338 (1) As used in this section:

339 (a) "Council" means the Utah Health Workforce Advisory Council created in Section  
340 26-69-201.

341 (b) "Information center" means the Utah Health Workforce Information Center created  
342 in Section 26-69-301.

343 (2) (a) In accordance with Subsection 26-69-301(2)(a), the department shall work with  
344 the information center to identify relevant data pertaining to a profession described in  
345 Subsection (3).

346 (b) The data should focus on:

347 (i) identifying workforce shortages;

348 (ii) identifying labor market indicators;

349 (iii) determining the educational background of a licensee; and

350 (iv) determining whether Utah is retaining a stable health workforce.

351 (c) After the council approves data to be collected, the department shall request the  
352 data from a licensee when a licensee applies for a license or renews the licensee's license.

353 (d) The department shall send the obtained data to the information center.

354 (e) A licensee may not be denied a license for failing to provide the data described in  
355 Subsection (2)(c) to the department.

356 (3) (a) The department shall prioritize data collection for each profession licensed  
357 under:

358 (i) Title 58, Chapter 31b, Nurse Practice Act;

359 (ii) Title 58, Chapter 60, Mental Health Professional Practice Act;

360 (iii) Title 58, Chapter 61, Psychologist Licensing Act;

361 (iv) Title 58, Chapter 67, Utah Medical Practice Act;

362 (v) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

363 (vi) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; or

364 (vii) Title 58, Chapter 70a, Utah Physician Assistant Act.

365 (b) After the department has collected data for each profession described in Subsection  
366 (3)(a), the department shall collect data for each profession licensed under:

367 (i) Title 58, Chapter 5a, Podiatric Physician Licensing Act;

368 (ii) Title 58, Chapter 17b, Pharmacy Practice Act;

- 369            (iii) Title 58, Chapter 24b, Physical Therapy Practice Act;
- 370            (iv) Title 58, Chapter 40, Recreational Therapy Practice Act;
- 371            (v) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act;
- 372            (vi) Title 58, Chapter 42a, Occupational Therapy Practice Act;
- 373            (vii) Title 58, Chapter 44a, Nurse Midwife Practice Act;
- 374            (viii) Title 58, Chapter 54, Radiologic Technologist, Radiologist Assistant, and
- 375 Radiology Practical Technician Licensing Act; or
- 376            (ix) Title 58, Chapter 57, Respiratory Care Practices Act.
- 377            (c) The department shall collect data in accordance with this section for any
- 378 health-related occupation or profession that is regulated by the department and is not described
- 379 in Subsection (3)(a) or (b) if:
- 380            (i) funding is available;
- 381            (ii) the council has identified a need for the data; and
- 382            (iii) data has been collected for each profession described in Subsections (3)(a) and
- 383 (3)(b).
- 384            Section 12. **Effective date.**
- 385            This bill takes effect on July 1, 2022.