

## HB0176S01 compared with HB0176

~~deleted text~~ shows text that was in HB0176 but was deleted in HB0176S01.

inserted text shows text that was not in HB0176 but was inserted into HB0176S01.

**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.

Representative Norman K. Thurston proposes the following substitute bill:

### UTAH HEALTH WORKFORCE ACT

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Norman K. Thurston**

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

---

#### 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;
- ▶ moves oversight of the Utah Medical Education Council to the council;

## HB0176S01 compared with HB0176

- ▶ modifies the Utah Medical Education Council's duties, including removing data analysis 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:

AMENDS:

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

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

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

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

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

63I-1-226, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234, and 417

63I-1-253, as last amended by Laws of Utah 2021, Chapters 14, 64, 106, 233, and 307

63J-1-602.2, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and 424

63J-7-102, as last amended by Laws of Utah 2018, Chapter 415

ENACTS:

26-69-101, Utah Code Annotated 1953

26-69-201, Utah Code Annotated 1953

26-69-202, Utah Code Annotated 1953

26-69-203, Utah Code Annotated 1953

26-69-301, Utah Code Annotated 1953

58-1-112, Utah Code Annotated 1953

### RENUMBERS AND AMENDS:

26-69-401, (Renumbered from 53B-24-102, as last amended by Laws of Utah 2020,

## HB0176S01 compared with HB0176

### Chapter 335)

26-69-402, (Renumbered from 53B-24-302, as renumbered and amended by Laws of Utah 2013, Chapter 28)

26-69-403, (Renumbered from 53B-24-202, as last amended by Laws of Utah 2015, Chapter 258)

26-69-404, (Renumbered from 53B-24-303, as last amended by Laws of Utah 2018, Chapter 354)

26-69-405, (Renumbered from 53B-24-304, as renumbered and amended by Laws of Utah 2013, Chapter 28)

26-69-406, (Renumbered from 53B-24-402, as last amended by Laws of Utah 2020, Chapter 335)

### REPEALS:

53B-24-101, as enacted by Laws of Utah 2013, Chapter 28

53B-24-201, as enacted by Laws of Utah 2013, Chapter 28

53B-24-301, as enacted by Laws of Utah 2013, Chapter 28

53B-24-401, as enacted by Laws of Utah 2013, Chapter 28

---

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

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

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

#### **Part 1. General Provisions**

#### **26-69-101. Definitions.**

As used in this chapter:

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

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

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

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

## HB0176S01 compared with HB0176

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

### Part 2. Utah Health Workforce Advisory Council

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

- (1) There is created within the department the Utah Health Workforce Advisory Council.
- (2) The council shall be comprised of at least 14 but not more than 19 members.
- (3) The following are members of the council:
  - (a) the executive director or that individual's designee;
  - (b) the executive director of the Department of Workforce Services or that individual's designee;
  - (c) the commissioner of higher education of the Utah System of Higher Education or that individual's designee;
  - (d) the state superintendent of the State Board of Education or that individual's designee;
  - (e) the executive director of the Department of Commerce or that individual's designee;
  - (f) the director of the Division of Multicultural Affairs or that individual's designee;
  - (g) the director of the Utah Substance Use and Mental Advisory Council or that individual's designee;
  - (h) the chair of the Utah Indian Health Advisory Board; and
  - (i) the chair of the Utah Medical Education Council created in Section ~~53B-24-302~~26-69-402.
- (4) The executive director shall appoint at least five but not more than ten additional members that represent diverse perspectives regarding Utah's health workforce.
- (5) (a) A member appointed by the executive director under Subsection (4) shall serve a four-year term.
  - (b) Notwithstanding Subsection (5)(a) for the initial appointments of members described in Subsection (4) the executive director shall appoint at least three but not more than five members to a two-year appointment to ensure that approximately half of the members appointed by the executive director rotate every two years.
- (6) The executive director or the executive director's designee shall chair the council.

Section 3. Section **26-69-202** is enacted to read:

## HB0176S01 compared with HB0176

### 26-69-202. Council and executive director duties.

(1) The council shall:

(a) meet at least once each quarter;

(b) study and provide recommendations to an entity described in Subsection (2)

regarding:

(i) health workforce supply;

(ii) health workforce employment trends and demand;

(iii) options for training and educating the health workforce;

(iv) the implementation or improvement of strategies that entities in the state are using

or may use to address health workforce needs including:

(A) shortages;

(B) recruitment; and

(C) retention; and

(v) other Utah health workforce priorities as determined by the council;

(c) provide guidance to an entity described in Subsection (2) regarding health

workforce related matters;

(d) review and comment on legislation relevant to Utah's health workforce; and

(e) advise the Utah Board of Higher Education and the Legislature on the status and

needs of the health workforce who are in training.

(2) The council shall provide information described in Subsections (1)(b) and (c) to:

(a) the Legislature;

(b) the department;

(c) the Department of Workforce Services;

(d) the Department of Commerce;

(e) the [Utah](#) Medical Education Council; and

(f) any other entity the council deems appropriate upon the entity's request.

(3) (a) The [Utah](#) Medical Education Council created in Section

~~{53B-24-302}~~[26-69-402](#) is a subcommittee of the council.

(b) The council may establish subcommittees to support the work of the council.

(c) A member of the council shall chair a subcommittee created by the council.

(d) Except for the [Utah](#) Medical Education Council, the chair of the subcommittee may

## HB0176S01 compared with HB0176

appoint any individual to the subcommittee.

(4) For any report created by the council or a subcommittee of the council that pertains to any duty described in Subsection (1), the council shall:

(a) provide the report to:

(i) the department; and

(ii) any appropriate legislative committee; and

(b) post the report on the council's website.

(5) The executive director shall:

(a) ensure the council has adequate staff to support the council and any subcommittee created by the council; and

(b) provide any available information upon the council's request if:

(i) that information is necessary for the council to fulfill a duty described in Subsection (1); and

(ii) the department has access to the information.

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

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

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

(1) Section 63A-3-106;

(2) Section 63A-3-107; and

(3) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

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

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

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

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

(2) The information center shall:

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

## HB0176S01 compared with HB0176

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) to participate in a federal program; or

(B) to receive federal funds.

~~{53B-24-102. Definitions}~~ Section 6. Section 26-69-401, which is renumbered from Section 53B-24-102 is renumbered and amended to read:

### Part 4. Utah Medical Education Council

[53B-24-102]. 26-69-401. Definitions.

As used in this chapter:

(1) "Accredited clinical education program" means a clinical education program for a

## HB0176S01 compared with HB0176

health care profession that is accredited by the Accreditation Council on Graduate Medical Education.

(2) "Accredited clinical training program" means a clinical training program that is accredited by an entity recognized within medical education circles as an accrediting body for medical education, advanced practice nursing education, physician assistance education, doctor of pharmacy education, dental education, or registered nursing education.

(3) "Centers for Medicare and Medicaid Services" means the Centers for Medicare and Medicaid Services within the United States Department of Health and Human Services.

~~[(4) "Council" means the Medical Education Council created under Section 53B-24-302.]~~

~~[(5)]~~ (4) "Health care professionals in training" means medical students and residents, advance practice nursing students, physician assistant students, doctor of pharmacy students, dental students, and registered nursing students.

~~[(6)]~~ (5) "Program" means the Medical Education Program created under Section ~~{53B-24-202.~~

~~— 53B-24-402. Rural; [53B-24-202] 26-69-403.~~

(6) "UMEC" means the Utah Medical Education Council created in Section 26-69-402. Section 7. Section 26-69-402, which is renumbered from Section 53B-24-302 is renumbered and amended to read:

[53B-24-302]. 26-69-402. Utah Medical Education Council.

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

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

(b) The membership of UMEC shall consist of the following appointed by the governor:

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

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

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



## HB0176S01 compared with HB0176

~~[(d) a person]~~ (iv) an individual from the health care insurance industry; and  
~~[(e)]~~ (v) (A) three members of the general public who are not employed by or affiliated with any institution that offers, sponsors, or finances health care or medical education;  
~~[however,]~~ and

(B) if the number of individuals appointed under Subsection (1)(b)(iii) is more than two, the governor may appoint an additional member of the public under this Subsection ~~[(1)(e)]~~ (1)(b)(v) for each [person] individual the governor appoints ~~[that increases the total number of persons appointed]~~ under Subsection ~~[(1)(e)]~~ (1)(b)(iii) beyond two.

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

- (a) institution of higher education;
- (b) state agency outside of higher education; or
- (c) private entity.

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

- (a) shall chair ~~[the council]~~ UMEC;
- (b) may not be counted in determining the existence of a quorum; and
- (c) may only cast a vote on a matter before the council if the vote of the other council

members results in a tied vote.

(4) ~~[The council]~~ UMEC shall annually elect a vice chair from ~~[among the members of the council]~~ UMEC's members.

(5) (a) Consistent with Subsection (6)(b), a majority of the ~~[council]~~ members constitute a quorum.

(b) The action of a majority of a quorum is the action of ~~[the council]~~ UMEC.

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

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

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

## HB0176S01 compared with HB0176

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

(a) Section 63A-3-106;

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

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

(8) The council shall provide staff for UMEC.

Section 8. Section 26-69-403, which is renumbered from Section 53B-24-202 is renumbered and amended to read:

**[53B-24-202]. 26-69-403. Medical Education Program.**

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

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

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

(b) state appropriations; and

(c) donation or private contributions.

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

(4) Program money may only be expended if:

(a) approved by [the council] UMEC; and

(b) used for graduate medical education in accordance with Subsection

[53B-24-303(7)] 26-69-404(4).

Section 9. Section 26-69-404, which is renumbered from Section 53B-24-303 is renumbered and amended to read:

**[53B-24-303]. 26-69-404. Duties of UMEC.**

[The council] UMEC shall:

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

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

## HB0176S01 compared with HB0176

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

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

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

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

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

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

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

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

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

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

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

~~Section 10. Section 26-69-405, which is renumbered from Section 53B-24-304 is renumbered and amended to read:~~

~~**[53B-24-304].**            **26-69-405. Powers of council.**~~

~~[The council] UMEC may:~~

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

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

## HB0176S01 compared with HB0176

~~numbers, types, and geographic distribution;~~

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

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

~~[(5)] (3) distribute program money in accordance with Subsection [53B-24-303(7)] 26-69-404(4); and~~

~~[(6)] (4) as is necessary to carry out [its] UMEC's duties under Section [53B-24-303: (a) hire employees; and (b)] 26-69-404, adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~Section 11. Section 26-69-406, which is renumbered from Section 53B-24-402 is renumbered and amended to read:~~

~~[53B-24-402].~~      **26-69-406. Rural residency training program.**

~~(1) As used in this section:~~

~~(a) "Physician" means:~~

~~(i) [a person] an individual licensed to practice medicine under Title 58, Chapter 67, Utah Medical Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and~~

~~(ii) [a person] an individual licensed to practice dentistry under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act.~~

~~(b) "Rural residency training program" means an accredited clinical training program [which] that places a physician into a rural county for a part or all of the physician's clinical training.~~

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

~~[(b) The program shall sunset in accordance with Section 63I-1-253.]~~

~~Section {6} 12. Section {53B-24-202} 53B-26-202 is amended to read:~~

~~{ 53B-24-202. Medical Education Program.~~

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

~~—— (2) The program shall be funded from money received for graduate medical education~~

## HB0176S01 compared with HB0176

from:

~~\_\_\_\_\_ (a) the federal Centers for Medicare and Medicaid Services or other federal agency;~~

~~\_\_\_\_\_ (b) state appropriations; and~~

~~\_\_\_\_\_ (c) donation or private contributions.~~

~~\_\_\_\_\_ (3) All funding for this program shall be nonlapsing.~~

~~\_\_\_\_\_ (4) Program money may only be expended if:~~

~~\_\_\_\_\_ (a) approved by the council; and~~

~~\_\_\_\_\_ (b) used for graduate medical education in accordance with Subsection~~

~~[53B-24-303(7)] 53B-24-303(4).~~

~~\_\_\_\_\_ Section 7. Section 53B-24-302 is amended to read:~~

~~\_\_\_\_\_ **53B-24-302. Medical Education Council.**~~

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

~~\_\_\_\_\_ (1) (a) There is created the Medical Education Council which is a subcommittee of the Utah Health Workforce Advisory Council.~~

~~\_\_\_\_\_ (b) The membership of the council shall consist of the following appointed by the governor:~~

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

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

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

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

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

~~[however,] and~~

~~\_\_\_\_\_ (B) if the number of individuals appointed under Subsection (1)(b)(ii) is more than two, the governor may appoint an additional member of the public under this Subsection [(1)(c)] (1)(b)(v) for each [person] individual the governor appoints [that increases the total number of persons appointed] under Subsection [(1)(c)] (1)(b)(ii) beyond two.~~

~~\_\_\_\_\_ (2) Except as provided in [Subsection (1)(a) and (b)] Subsections (1)(b)(i) and (ii), no~~

## HB0176S01 compared with HB0176

~~two council members may be employed by or affiliated with the same:~~

~~—— (a) institution of higher education;~~

~~—— (b) state agency outside of higher education; or~~

~~—— (c) private entity.~~

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

~~—— (a) shall chair the council;~~

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

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

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

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

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

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

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

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

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

~~—— (a) Section 63A-3-106;~~

~~—— (b) Section 63A-3-107; and~~

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

~~—— Section 8. Section **53B-24-303** is amended to read:~~

~~—— **53B-24-303. Duties of council.**~~

~~—— The council shall:~~

## HB0176S01 compared with HB0176

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

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

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

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

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

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

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

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

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

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

~~—— (d) only funds accredited clinical training programs; and~~

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

~~—— (5) advise on the implementation of the program.~~

~~—— Section 9. Section **53B-24-304** is amended to read:~~

~~—— **53B-24-304. Powers of council.**~~

~~—— The council may:~~

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

## HB0176S01 compared with HB0176

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

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

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

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

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

~~— (a) hire employees; and~~

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

~~— Section 10. Section 53B-26-202 is amended to read:~~

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

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

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

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

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

(i) the board; and

(ii) the Higher Education Appropriations Subcommittee.

(2) To receive funding under this section, on or before January 5, an eligible program shall submit to the Higher Education Appropriations Subcommittee, through the budget



## HB0176S01 compared with HB0176

process for the board, as applicable, a proposal that describes:

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

(b) the following information about the eligible program:

(i) expected student enrollment;

(ii) attainment rates;

(iii) job placement rates; and

(iv) passage rates for exams required for licensure for a nursing profession;

(c) the instructional cost per full-time equivalent student enrolled in the eligible program;

(d) financial or in-kind contributions to the eligible program from:

(i) the health care industry; or

(ii) an institution; and

(e) a funding request, including justification for the request.

(3) The Higher Education Appropriations Subcommittee shall:

(a) review a proposal submitted under this section using the following criteria:

(i) the proposal:

(A) contains the elements described in Subsection (2);

(B) expands the capacity to meet the projected demand described in Subsection (1)(a);

and

(C) has health care industry or institution support; and

(ii) the program of instruction described in the proposal:

(A) is cost effective;

(B) has support from the health care industry or an institution; and

(C) has high passage rates on exams required for licensure for a nursing profession;

(b) determine the extent to which to fund the proposal; and

(c) make an appropriation recommendation to the Legislature on the amount of money determined under Subsection (3)(b) to the eligible program's institution.

(4) An institution that receives funding under this section shall use the funding to increase the number of students enrolled in the eligible program for which the institution receives funding.

## HB0176S01 compared with HB0176

(5) [~~On or before November 1, 2020, and annually thereafter,~~] On or before November 1 of each year, the board shall report to the Higher Education Appropriations Subcommittee on the elements described in Subsection (2) for each eligible program funded under this section.

Section ~~{H}13~~. Section **58-1-112** is enacted to read:

### **58-1-112. Data collection.**

(1) As used in this section:

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

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

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

(b) The data should focus on:

(i) identifying workforce shortages;

(ii) identifying labor market indicators;

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

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

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

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

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

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

(i) ~~{Title 58, }Chapter 31b, Nurse Practice Act;~~

(ii) ~~{Title 58, }Chapter 60, Mental Health Professional Practice Act;~~

(iii) ~~{Title 58, }Chapter 61, Psychologist Licensing Act;~~

(iv) ~~{Title 58, }Chapter 67, Utah Medical Practice Act;~~

(v) ~~{Title 58, }Chapter 68, Utah Osteopathic Medical Practice Act;~~

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

## HB0176S01 compared with HB0176

(vii) ~~{Title 58,}~~ Chapter 70a, Utah Physician Assistant Act.

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

(i) ~~{Title 58,}~~ Chapter 5a, Podiatric Physician Licensing Act;

(ii) ~~{Title 58,}~~ Chapter 17b, Pharmacy Practice Act;

(iii) ~~{Title 58,}~~ Chapter 24b, Physical Therapy Practice Act;

(iv) ~~{Title 58,}~~ Chapter 40, Recreational Therapy Practice Act;

(v) ~~{Title 58,}~~ Chapter 41, Speech-Language Pathology and Audiology Licensing Act;

(vi) ~~{Title 58,}~~ Chapter 42a, Occupational Therapy Practice Act;

(vii) ~~{Title 58,}~~ Chapter 44a, Nurse Midwife Practice Act;

(viii) ~~{Title 58,}~~ Chapter 54, Radiologic Technologist, Radiologist Assistant, and

Radiology Practical Technician Licensing Act; or

(ix) ~~{Title 58,}~~ Chapter 57, Respiratory Care Practices Act.

(c) The department shall collect data in accordance with this section for any health-related occupation or profession that is regulated by the department and is not described in Subsection (3)(a) or (b) if:

(i) funding is available;

(ii) the council has identified a need for the data; and

(iii) data has been collected for each profession described in Subsections (3)(a) and

(3)(b).

Section ~~{12}~~ 14. Section 63I-1-226 is amended to read:

63I-1-226. Repeal dates, Title 26.

(1) Subsection 26-1-7(1)(f), related to the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.

(2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed July 1, 2025.

(3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July 1, 2025.

(4) Section 26-1-40 is repealed July 1, 2022.

(5) Section 26-1-41 is repealed July 1, 2026.

(6) Section 26-7-10 is repealed July 1, 2025.

## **HB0176S01 compared with HB0176**

- (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1, 2028.
- (8) Section 26-7-14 is repealed December 31, 2027.
- (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July 1, 2025.
- (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee, is repealed July 1, 2026.
- (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed July 1, 2025.
- (12) Subsection 26-15c-104(3), relating to a limitation on the number of microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.
- (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is repealed July 1, 2028.
- (14) Section 26-18-27 is repealed July 1, 2025.
- (15) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed July 1, 2027.
- (16) Subsection 26-18-418(2), the language that states "and the Behavioral Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.
- (17) Section 26-33a-117 is repealed on December 31, 2023.
- (18) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2024.
- (19) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July 1, 2024.
- (20) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is repealed July 1, 2024.
- (21) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July 1, 2024.
- (22) Section 26-39-201, which creates the Residential Child Care Licensing Advisory Committee, is repealed July 1, 2024.
- (23) Section 26-40-104, which creates the Utah Children's Health Insurance Program Advisory Council, is repealed July 1, 2025.
- (24) Section 26-50-202, which creates the Traumatic Brain Injury Advisory Committee, is repealed July 1, 2025.

## HB0176S01 compared with HB0176

(25) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

(26) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is repealed July 1, 2026.

(27) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed July 1, 2026.

(28) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July 1, 2024.

(29) Section 26-69-406 is repealed July 1, 2025.

Section 15. Section **63I-1-253** is amended to read:

**63I-1-253. Repeal dates, Titles 53 through 53G.**

(1) Section 53-2a-105, which creates the Emergency Management Administration Council, is repealed July 1, 2022.

(2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory Board, are repealed July 1, 2022.

(3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, 2023.

(4) Subsection 53-6-203(1)(b)(ii), regarding being 19 years old at certification, is repealed July 1, 2027.

(5) Subsection 53-13-104(6)(a), regarding being 19 years old at certification, is repealed July 1, 2027.

(6) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is repealed July 1, 2024.

(7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

(8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is repealed January 1, 2025.

(9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

[(10) Title 53B, Chapter 24, Part 4, Rural Residency Training Program, is repealed July 1, 2025.]

[(11)] (10) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells

## HB0176S01 compared with HB0176

and other hydrologic studies in the West Desert, is repealed July 1, 2030.

[(12)] (11) Section 53E-3-515 is repealed January 1, 2023.

[(13)] (12) In relation to a standards review committee, on January 1, 2023:

(a) in Subsection 53E-4-202(8), the language "by a standards review committee and the recommendations of a standards review committee established under Section 53E-4-203" is repealed; and

(b) Section 53E-4-203 is repealed.

[(14)] (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in custody, are repealed July 1, 2027.

[(15)] (14) Section 53E-4-402, which creates the State Instructional Materials Commission, is repealed July 1, 2022.

[(16)] (15) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2023.

[(17) Subsection 53E-8-204(4), which creates the advisory council for the Utah Schools for the Deaf and the Blind, is repealed July 1, 2021.]

[(18)] (16) Section 53F-2-420, which creates the Intensive Services Special Education Pilot Program, is repealed July 1, 2024.

[(19)] (17) Section 53F-5-203 is repealed July 1, 2024.

[(20)] (18) Section 53F-5-212 is repealed July 1, 2024.

[(21)] (19) Section 53F-5-213 is repealed July 1, 2023.

[(22)] (20) Section 53F-5-214, in relation to a grant for professional learning, is repealed July 1, 2025.

[(23)] (21) Section 53F-5-215, in relation to an elementary teacher preparation grant, is repealed July 1, 2025.

[(24)] (22) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

[(25)] (23) Section 53F-9-501 is repealed January 1, 2023.

[(26)] (24) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

[(27)] (25) Subsection 53G-8-211(5), regarding referrals of a minor to court for a class C misdemeanor, is repealed July 1, 2022.

## HB0176S01 compared with HB0176

Section 16. Section 63J-1-602.2 is amended to read:

**63J-1-602.2. List of nonlapsing appropriations to programs.**

Appropriations made to the following programs are nonlapsing:

- (1) The Legislature and the Legislature's committees.
- (2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section 53F-9-103.
- (3) The Percent-for-Art Program created in Section 9-6-404.
- (4) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.
- (5) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-16-21(2)(d)(ii).
- (6) The Trip Reduction Program created in Section 19-2a-104.
- (7) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.
- (8) The emergency medical services grant program in Section 26-8a-207.
- (9) The primary care grant program created in Section 26-10b-102.
- (10) Sanctions collected as dedicated credits from Medicaid provider under Subsection 26-18-3(7).
- (11) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.
- (12) The Rural Physician Loan Repayment Program created in Section 26-46a-103.
- (13) The Opiate Overdose Outreach Pilot Program created in Section 26-55-107.
- (14) The Medical Education Program created in Section 26-69-403.
- ~~(14)~~ (15) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection 32B-2-301 (9)(a) or (b).
- ~~(15)~~ (16) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.
- ~~(16)~~ (17) The Utah National Guard, created in Title 39, Militia and Armories.
- ~~(17)~~ (18) The State Tax Commission under Section 41-1a-1201 for the:
  - (a) purchase and distribution of license plates and decals; and

## HB0176S01 compared with HB0176

(b) administration and enforcement of motor vehicle registration requirements.

~~[(18)]~~ (19) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

~~[(19)]~~ (20) The Motorcycle Rider Education Program, as provided in Section 53-3-905.

~~[(20)]~~ (21) The Utah Board of Higher Education for teacher preparation programs, as provided in Section 53B-6-104.

~~[(21) The Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.]~~

(22) The Division of Services for People with Disabilities, as provided in Section 62A-5-102.

(23) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.

(24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.

(25) Appropriations to the Division of Technology Services for technology innovation as provided under Section 63A-16-903.

(26) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

(27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado River Authority of Utah Act.

(28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

(29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

(30) Appropriations to fund programs for the Jordan River Recreation Area as described in Section 65A-2-8.

(31) The Division of Human Resource Management user training program, as provided in Section 63A-17-106.

(32) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.

(33) The Traffic Noise Abatement Program created in Section 72-6-112.



## HB0176S01 compared with HB0176

(34) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a settlement of federal reserved water right claims.

(35) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.

(36) A state rehabilitative employment program, as provided in Section 78A-6-210.

(37) The Utah Geological Survey, as provided in Section 79-3-401.

(38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

(39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

(40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

(41) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.

Section 17. Section 63J-7-102 is amended to read:

### 63J-7-102. Scope and applicability of chapter.

(1) Except as provided in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to each agency and govern each grant received on or after May 5, 2008.

(2) This chapter does not govern:

(a) a grant deposited into a General Fund restricted account;

(b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;

(c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;

(d) a grant made to the state without a restriction or other designated purpose that is deposited into the General Fund as free revenue;

(e) a grant made to the state that is restricted only to "education" and that is deposited into the Education Fund or Uniform School Fund as free revenue;

(f) in-kind donations;

(g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state

## **HB0176S01 compared with HB0176**

when required by state law or application of state law;

(h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax

Contribution Act;

(i) a grant received by an agency from another agency or political subdivision;

(j) a grant to the Utah Dairy Commission created in Section 4-22-103;

(k) a grant to the Heber Valley Historic Railroad Authority created in Section 63H-4-102;

(l) a grant to the Utah State Railroad Museum Authority created in Section 63H-5-102;

(m) a grant to the Utah Housing Corporation created in Section 63H-8-201;

(n) a grant to the Utah State Fair Corporation created in Section 63H-6-103;

(o) a grant to the Utah State Retirement Office created in Section 49-11-201;

(p) a grant to the School and Institutional Trust Lands Administration created in Section 53C-1-201;

(q) a grant to the Utah Communications Authority created in Section 63H-7a-201;

(r) a grant to the Medical Education Program created in Section [53B-24-202]

26-69-403;

(s) a grant to the Utah Capital Investment Corporation created in Section 63N-6-301;

(t) a grant to the Utah Charter School Finance Authority created in Section 53G-5-602;

(u) a grant to the State Building Ownership Authority created in Section 63B-1-304; or

(v) a grant to the Military Installation Development Authority created in Section 63H-1-201.

(3) An agency need not seek legislative review or approval of grants under Part 2,

Grant Approval Requirements, if:

(a) the governor has declared a state of emergency; and

(b) the grant is donated to the agency to assist victims of the state of emergency under

Subsection 53-2a-204(1).

Section 18. Repealer.

This bill repeals:

Section 53B-24-101, Title.

Section 53B-24-201, Title.

Section 53B-24-301, Title.

**HB0176S01 compared with HB0176**

Section 53B-24-401, Title.

Section 19. Effective date.

This bill takes effect on July 1, 2022.