

Representative Katy Hall proposes the following substitute bill:

HEALTH CARE FACILITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill amends requirements impacting health care facilities.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ establishes minimum standards for freestanding emergency departments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

26B-2-203, as renumbered and amended by Laws of Utah 2023, Chapter 305

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

Section 1. Section **26B-2-203** is amended to read:

26B-2-203. Services required -- General acute hospitals -- Specialty hospitals --

Satellite operations and branch locations.



26 (1) For purposes of this section:

27 (a) "Freestanding emergency department" means a licensed satellite service operation,
 28 hospital outpatient department, or branch location that:

29 (i) provides emergency care or critical care; or

30 (ii) holds itself out as providing emergency care or critical care.

31 ~~Ĥ→ [(b) "Rural emergency medical services" means the same as that term is defined in~~
 32 ~~Section 59-12-801.] ←Ĥ~~

33 [(+) (2) General acute hospitals and specialty hospitals shall remain open and be
 34 continuously ready to receive patients 24 hours of every day in a year and have an attending
 35 medical staff consisting of one or more physicians Ĥ→ who are:

35a (a) ←Ĥ licensed to practice medicine and surgery

36 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah

37 Osteopathic Medical Practice Act Ĥ→ [-] ; and

37a (b) board eligible or board certified in emergency medicine or have 10 years of direct patient
 37b care experience in an emergency medicine setting. ←Ĥ

38 [(2) (3) A specialty hospital shall provide on-site all basic services required of a
 39 general acute hospital that are needed for the diagnosis, therapy, or rehabilitation offered to or
 40 required by patients admitted to or cared for in the facility.

41 [(3) (4) (a) A home health agency shall provide at least licensed nursing services or
 42 therapeutic services directly through the agency employees.

43 (b) A home health agency may provide additional services itself or under arrangements
 44 with another agency, organization, facility, or individual.

45 [(4) (5) Beginning January 1, 2023, a hospice program shall provide at least one
 46 qualified medical provider, as that term is defined in Section 26B-4-201, for the treatment of
 47 hospice patients.

48 (6) (a) This Subsection (6) does not apply to freestanding emergency departments
 49 providing Ĥ→ [rural] ←Ĥ emergency medical services Ĥ→ in counties of the third, fourth, fifth,
 49a or sixth
 49b class ←Ĥ .

50 (b) A freestanding emergency department shall have Ĥ→ [available, at a minimum, on-site,
 51 and on a continuous basis during operating hours] available on-site during operating hours, at a
 51a minimum ←Ĥ ;

52 (i) the capability and the certified personnel Ĥ→ [available] ←Ĥ to conduct and implement the
 53 use of:

54 (A) CT scans;

55 (B) ultrasounds;

56 (C) x-rays; and

57 (D) clinical laboratory tests and analysis that are customarily used in emergency
58 medical settings;

59 (ii) a physician who:

60 (A) is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Chapter 68,
61 Utah Osteopathic Medical Practice Act; and

62 (B) has specialized training and experience in providing emergency medical services;

63 (iii) two registered nurses who:

64 (A) are licensed under Title 58, Chapter 31b, Nurse Practice Act; and

65 (B) ~~is~~ **has** ~~have~~ specialized training and experience in providing emergency
65a medical services;

66 (iv) a respiratory therapist who is licensed under Title 58, Chapter 57, Respiratory Care
67 Practices Act; and

68 (v) a certified medical laboratory scientist or a certified medical laboratory
69 technologist.

70 **Section 2. Effective date.**

71 This bill takes effect on July 1, 2024.