

HEALTH CARE FACILITY AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: _____

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:

None

Utah Code Sections Affected:

AMENDS:

26B-2-202, as renumbered and amended by Laws of Utah 2023, Chapter 305

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-2-202** is amended to read:

26B-2-202. Duties of department.

(1) The department shall:

- (a) enforce rules established pursuant to this part;



28 (b) authorize an agent of the department to conduct inspections of health care facilities
29 pursuant to this part;

30 (c) collect information authorized by the committee that may be necessary to ensure
31 that adequate health care facilities are available to the public;

32 (d) collect and credit fees for licenses as free revenue;

33 (e) collect and credit fees for conducting plan reviews as dedicated credits;

34 (f) (i) collect and credit fees for conducting clearance under Sections 26B-2-239 and
35 26B-2-240; and

36 (ii) beginning July 1, 2012:

37 (A) up to \$105,000 of the fees collected under Subsection (1)(f)(i) are dedicated
38 credits; and

39 (B) the fees collected for background checks under Subsection 26B-2-240(6) and
40 Subsection 26B-2-241(4) shall be transferred to the Department of Public Safety to reimburse
41 the Department of Public Safety for its costs in conducting the federal background checks;

42 (g) designate an executive secretary from within the department to assist the committee
43 in carrying out its powers and responsibilities;

44 (h) establish reasonable standards for criminal background checks by public and
45 private entities;

46 (i) recognize those public and private entities that meet the standards established
47 pursuant to Subsection (1)(h); and

48 (j) provide necessary administrative and staff support to the committee.

49 (2) The department may:

50 (a) exercise all incidental powers necessary to carry out the purposes of this part;

51 (b) review architectural plans and specifications of proposed health care facilities or
52 renovations of health care facilities to ensure that the plans and specifications conform to rules
53 established by the committee; and

54 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
55 make rules as necessary to implement the provisions of this part.

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

57 **26B-2-203. Services required -- General acute hospitals -- Specialty hospitals --**
58 **Satellite operations and branch locations.**

59 (1) For purposes of this section, "freestanding emergency department" means a
60 licensed satellite service operation, hospital outpatient department, or branch location that:

61 (a) provides emergency care or critical care; or

62 (b) holds itself out as providing emergency care or critical care.

63 ~~[(1)]~~ (2) General acute hospitals and specialty hospitals shall remain open and be
64 continuously ready to receive patients 24 hours of every day in a year and have an attending
65 medical staff consisting of one or more physicians licensed to practice medicine and surgery
66 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
67 Osteopathic Medical Practice Act.

68 ~~[(2)]~~ (3) A specialty hospital shall provide on-site all basic services required of a
69 general acute hospital that are needed for the diagnosis, therapy, or rehabilitation offered to or
70 required by patients admitted to or cared for in the facility.

71 ~~[(3)]~~ (4) (a) A home health agency shall provide at least licensed nursing services or
72 therapeutic services directly through the agency employees.

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

75 ~~[(4)]~~ (5) Beginning January 1, 2023, a hospice program shall provide at least one
76 qualified medical provider, as that term is defined in Section 26B-4-201, for the treatment of
77 hospice patients.

78 (6) A freestanding emergency department shall have available, on-site, on a continuous
79 basis during the hours of operation:

80 (a) the capability to conduct and implement the use of:

81 (i) computed tomography (CT scans);

82 (ii) sonography and ultrasonography (ultrasounds);

83 (iii) electromagnetic radiology (x-rays); and

84 (iv) clinical laboratory tests and analysis that are customarily used in emergency
85 medical settings;

86 (b) a physician who:

87 (i) is licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Chapter 68,
88 Utah Osteopathic Medical Practice Act; and

89 (ii) has specialized training and experience in providing emergency medical services;

- 90 (c) two registered nurses who:
- 91 (i) are licensed under Title 58, Chapter 31b, Nurse Practice Act; and
- 92 (ii) has specialized training and experience in providing emergency medical services;
- 93 and
- 94 (d) a respiratory therapist who is licensed under Title 58, Chapter 57, Respiratory Care
- 95 Practices Act.
- 96 Section 3. **Effective date.**
- 97 This bill takes effect on May 1, 2024.