

1                   **LONG-TERM CARE PATIENT AND CONSUMER RIGHTS**  
2                                   **PROTECTION**

3                                   2021 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Melissa G. Ballard**

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

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8 **LONG TITLE**

9 **General Description:**

10           This bill regulates assisted living and nursing home facilities.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ requires a facility to make disclosures; and
- 15           ▶ creates a penalty.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 ENACTS:

22           **26-21-35**, Utah Code Annotated 1953

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

25           Section 1. Section **26-21-35** is enacted to read:

26           **26-21-35. Resident Consumer Protection.**

27           (1) As used in this section:



- 28           (a) "Eligible requester" means:
- 29           (i) a resident;
- 30           (ii) a prospective resident;
- 31           (iii) a legal representative of a resident or prospective resident; or
- 32           (iv) the department.
- 33           (b) "Facility" means an assisted living facility or nursing care facility.
- 34           (c) "Facility's leadership" means a facility's:
- 35           (i) owner;
- 36           (ii) administrator;
- 37           (iii) director; or
- 38           (iv) employee that is in a position to determine which providers have access to the
- 39 facility.
- 40           (d) "Personal care agency" means a person that provides assistance with activities of
- 41 daily living.
- 42           (e) "Provider" means a home health agency, hospice provider, medical provider, or
- 43 personal care agency.
- 44           (f) "Resident" means an individual who resides in a facility.
- 45           (2) Subject to other state or federal laws, a facility may limit which providers have
- 46 access to the facility if the facility complies with Subsection (3).
- 47           (3) (a) A facility that prohibits a provider from accessing the facility shall:
- 48           (i) before or at the time a prospective resident or prospective resident's legal
- 49 representative signs an admission contract, inform the prospective resident or prospective
- 50 resident's legal representative that the facility prohibits one or more providers from accessing
- 51 the facility;
- 52           (ii) if an eligible requester requests to know which providers have access to the facility,
- 53 refer the eligible requester to a member of the facility's leadership; and
- 54           (iii) if a provider requests to know whether the provider has access to the facility, refer
- 55 the provider to a member of the facility's leadership.
- 56           (b) If a facility refers an eligible requester to a member of the facility's leadership under
- 57 Subsection (3)(a)(ii), the member of the facility's leadership shall inform the eligible requester:
- 58           (i) which providers the facility;

- 59           (A) allows to access the facility; or  
60           (B) prohibits from accessing the facility;  
61           (ii) that a provider's access to the facility may change at any time; and  
62           (iii) whether a person in the facility's leadership has a legal or financial interest in a  
63 provider that is allowed to access the facility.  
64           (c) If a facility refers a provider to a member of the facility's leadership under  
65 Subsection (3)(a)(iii), the member of the facility's leadership:  
66           (i) shall disclose whether the provider has access to the facility; and  
67           (ii) may disclose any other information described in Subsection (3)(b).  
68           (d) If a resident is being served by a provider that is later prohibited from accessing the  
69 facility, the facility shall:  
70           (i) allow the provider access to the facility to finish the resident's current episode of  
71 care; or  
72           (ii) provide to the resident a written explanation of why the provider no longer has  
73 access to the facility.  
74           (4) This section does not apply to a facility operated by a government unit.  
75           (5) The department may issue a notice of deficiency if a facility that denies a provider  
76 access under Subsection (2) does not comply with Subsection (3) at the time of the denial.