

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: Wayne A. Harper

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

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.