

R432. Health and Human Services, Health Care Facility Licensing.

R432-1. General Licensing Provisions.

R432-1-1. Legal Authority.

This rule is authorized by Section 26B-2-202.

R432-1-2. Purpose.

The purpose of this rule is to define the standard terms for licensed health care facilities and agencies under Title R432 and centralize general licensing requirements in a single rule.

R432-1-3. Definitions.

- (1) Terms used in rules under Title R432 are defined in Section 26B-2-201 and Rule R380-600.
- (2) "AWOL" means elopement or absence without leave; an unauthorized departure from the facility.
- (3) "Abortion" means the same as that term is defined in Subsection 76-7-301(1).
- (4) "Abuse" means the same as that term is defined in Section 26B-6-201.
- (5) "Active Treatment" means the habilitative program of care for an ICF-IID patient as outlined in 42 CFR Part 483 (1983) that addresses:
 - (a) training in daily living;
 - (b) self-help;
 - (c) social skills;
 - (d) activities;
 - (e) recreation;
 - (f) appropriate staffing levels;
 - (g) special resident programs;
 - (h) program evaluation;
 - (i) nursing services;
 - (j) documented resident surveys, and progress; and
 - (k) social services.
- (6) "Activities of Daily Living (ADL)" means personal functional activities required by an individual for continued well-being, to include eating, nutrition, mobility, dressing, bathing, toileting, and behavior management. ADLs are divided into the following levels:
 - (a) independent means the resident can perform the ADL without help;
 - (b) assistance means the resident can perform some part of an activity, but cannot do it entirely alone; or
 - (c) dependent means the resident cannot perform any part of an activity; it must be done entirely by someone else.
- (7) "Administer" means the direct application of a prescription drug or device to the body of a human patient or research subject by another person.
- (8) "Affiliation" means a relationship, signified by a written agreement, between two organizations, under the terms that one organization agrees to provide specified services and personnel to meet the needs of the other.
- (9) "Agency" means an entity that provides a health care service but does not house or serve patients at the licensed site.
- (10) "Agency Action" means an action taken by the department.
- (11) "Aftercare" means post-inpatient services designed to help a patient maintain or improve on the gains made during inpatient treatment.
- (12) "Aide" includes attendant and means a person employed to assist in ADLs and in the direct personal care of a patient.
- (13) "ADASAD" means the Americans with Disability Act Standards for Accessible Design as incorporated by reference in Rule R432-4 and enforced in accordance with the 28 CFR Appendix A to Part 36 (2010).
- (14) "Ambulatory" means a person capable of achieving mobility sufficient to exit their residence without assistance of another person.
- (15) "Annual Report" means a document containing annual statistical information from a licensee.
- (16) "Assessment" means a process of observing, testing, and evaluating, a patient to obtain information.
- (17) "Bathing Facility" means a bathtub or shower.
- (18) "Bed Capacity" means the maximum number of beds that the health care facility is licensed to offer for patient care.
- (19) "Behavior Management" means a planned, systematic application of methods and findings of behavioral science with the intent of reducing observable negative behaviors.
- (20) "Birthing Room" means a room and environment designed, equipped and arranged to provide for the care of a woman and newborn and to accommodate any designated support person during the process of vaginal birth.
- (21) "Branch Location" means a licensed home health, personal care, or hospice agency that is:
 - (a) administered by a parent agency within the scope of the parent agency's current license; and
 - (b) is approved by the department as an added location under the parent agency's license.
- (22) "Certificate of Completion" means a document issued by the Utah Board of Education to a person that:
 - (a) completes an approved course of study not leading to a diploma;

- (b) passes a challenge exam for that same course of study; or
- (c) has out-of-state credentials and certificate that are acceptable to the board.
- (23) "Certified" means a health care facility that meets the standards set by the Center for Medicare and Medicaid Services (CMS) as compliant through accreditation and the inspection requirements of licensing rule.
- (24) "Certified Nurse Aide" means a nursing assistant that has completed a federally approved training program and proved competency through testing, thereby may be employed in a licensed health care facility.
- (25) "Certified Nurse Midwife" means an individual currently licensed to practice by the Utah Department of Commerce under Title 58, Chapter 44a Nurse Midwife Practice Act.
- (26) "Certified Registered Nurse Anesthetist" means a registered nurse currently licensed by the Utah Department of Commerce under Title 58 Chapter 31b Nurse Practice Act.
- (27) "Certified Social Worker" means an individual currently licensed by the Utah Department of Commerce under Title 58, Chapter 60 Mental Health Professional Practice Act.
- (28) "Chronic Noncompliance" means a documented violation of the same licensing administrative rule in each of the last three inspections. Inspections may include:
 - (a) follow-up inspections if the violation is re-cited; or
 - (b) any inspection that is documented by the department, an accrediting organization or a federal agency.
- (29) "Clinical Note" means a dated, written notation by a member of the health team that indicates contact with a patient and describes any of the following:
 - (a) signs and symptoms of dysfunction;
 - (b) treatment given or medication administered;
 - (c) the patient's reaction;
 - (d) changes in physical or emotional condition; or
 - (e) services provided.
- (30) "Clinical Staff" means the physicians and certified providers appointed by the governing authority to practice within the health care facility.
- (31) "Consultant" means an individual that provides professional services either upon request, under contract services or on the basis of a prearranged schedule that is not a member of the employed staff of the health care facility and whose services are not provided within the terms of an affiliation agreement.
- (32) "Continuous Noncompliance" means three or more violations of a single licensing rule requirement occurring within a 12-month time period.
- (33) "Contract Services" means services purchased by a licensee under a contract with an individual or a provider whose personnel are not salaried employees of the licensee.
- (34) "Control Station" means a nursing station or central office or area for charting, drug preparation, and other patient-care tasks.
- (35) "Critical Care Unit" means a special physical and functional unit for the segregation, concentration and close or continuous nursing observation and care of a patient that is critically, seriously, or acutely ill.
- (36) "Day Treatment" means training and habilitation services delivered outside the patient's place of residence that are intended to aid the vocational, pre-vocational, and self-sufficiency skill development of an ICF-ID patient. These services meet active treatment requirements and are coordinated and integrated with the active treatment program of the health care facility.
- (37) "Dentist" means a person registered and currently licensed by the Utah Department of Commerce under Title 58, Chapter 69 Dentist and Dental Hygienist Practice Act.
- (38) "Department" means the Utah Department of Health and Human Services.
- (39) "Designated Caregiver" means the same as the term is defined in Section 26B-4-201.
- (40) "Developmental Disability" means a severe, chronic disability that meets each of the following conditions:
 - (a) is attributable to:
 - (i) cerebral palsy;
 - (ii) epilepsy;
 - (iii) autism; or
 - (iv) any other condition, other than mental illness, closely related to an intellectual disability that results in impairment of general intellectual functioning adaptive behavior, or requires treatment or services;
 - (b) is manifested before the person reaches the age of 22;
 - (c) is likely to continue indefinitely; and
 - (d) results in substantial functional limitations in three or more of the following areas of major activity:
 - (i) self-care;
 - (ii) understanding and use of language;
 - (iii) learning;
 - (iv) mobility;
 - (v) self-direction; or
 - (vi) capacity for independent living.
- (41) "Developmental Period" means the period between conception and the 18th birthday.
- (42) "Dietitian" means a person certified pursuant to Title 58, Chapter 49 Dietitian Certification Act.

(43) "Direct Services" means services provided by salaried employees of a health care facility, as opposed to services provided by contract.

(44) "Direct Supervision" means the critical observation and guidance by a qualified person of another person's activities or course of action.

(45) "Discharge" means the point at which the patient's involvement with a facility is terminated and the licensee no longer maintains active responsibility for the care of the patient.

(46) "Distinct Part" means a discrete, physically definable entity located within a structure constructed and equipped according to applicable codes that:

(a) provides within the structure, the necessary unique physical facility, equipment, staff, and supplies to deliver any basic service that is offered to and needed for the diagnosis, therapy, and treatment of a patient, and to comply with licensing standards;

(b) provides or arranges for necessary administrative and non-unique, non-clinical, ancillary services including dietary, laundry, housekeeping, business office and medical records; and

(c) protects the rights of a patient including freedom from unwanted intrusion from any person outside the distinct part.

(47) "Documentation" means written supportive information, records, or references to verify information required by law or rule.

(48) "Drug History" means identifying all drugs used by a patient, including prescribed and unprescribed drugs.

(49) "Emergency" means any situation or event that threatens or poses a threat to the occupants of the health care facility, or prohibits one or more occupants from receiving services normally offered by the licensee, or requires action not normally performed by the staff.

(50) "Emotional or psychological abuse" means deliberate conduct that is directed at a person through verbal or nonverbal means and that causes the individual to suffer emotional distress or to fear bodily injury, harm, or restraint.

(51) "Environment" means the physical and emotional atmosphere including architectural design, furnishings, color, privacy, and safety, as well as other people.

(52) "Executive Director" means the Executive Director of the Utah Department of Health and Human Services.

(53) "Facility" means the licensed site where patients may reside and may receive treatment and the construction components under Title R432 apply to the site.

(54) "Freestanding" means existing independently or physically separated from another health care facility by fire walls and doors and administrated by separate staff with separate records.

(55) "Free-standing Urgent Care Center," as distinguished from a private physician's office or emergency room setting, means a health care facility that provides outpatient health care service, on an as-needed basis, without appointment to the public for diagnosis and treatment of medical conditions that do not require hospitalization or emergency intervention for a life-threatening or potentially permanently disabling condition. Diagnostic and therapeutic services provided by a free-standing urgent care center include:

(a) a medical history physical examination;

(b) assessment of health status; and

(c) treatment for a variety of medical conditions offered in a physician's office.

(56) "Governing Authority" includes governing body and means the board of trustees, owner, person, or designated by the owner with ultimate authority and responsibility, both moral and legal, for the management, control, conduct and functioning of the health care facility.

(57) "Governmental Unit" means the state, or any county, municipality, or other political subdivision of any department, division, board or other agency of any of the foregoing.

(58) "Guardian" means a person legally responsible for the care and management of a person considered by law to be incompetent to manage their own affairs.

(59) "Habilitation" means techniques and treatment that actively build and develop new or alternative styles of independent functioning and promote new behavior, resulting in greater self-sufficiency and sense of well-being.

(60) "Health Care Facility" is defined in Subsection 26B-2-201(13).

(61) "Health Services Supervisor" means a person with a professional medical license or certificate, to include a nurse, social worker, physical therapist, or psychologist, responsible for the development, supervision, and implementation of a written health care plan for each resident.

(62) "Homemaker" means a person that cares for the environment in the home through performance of duties such as housekeeping, meal planning and preparation, laundry, shopping and errands.

(63) "Hospitalization" means an inpatient stay of at least 24 hours, or an overnight stay or emergency care, except a stay at a freestanding ambulatory surgical center that meets the requirements of Rule R432-500.

(64) "ICD--CM" means the International Classification of Diseases.

(65) "ICF-IID" means intermediate care facility for individuals with intellectual disabilities.

(66) "Imminent Danger" means a situation or condition that presents a substantial likelihood of death or serious physical or mental harm to a patient or resident in the health care facility.

(67) "Inpatient Program" means treatment provided in a suitably equipped setting that provides services to a person that requires care that warrants 24-hour supervision.

(68) "Intake" means the administrative and assessment process for admission to a program.

(69) "Institute for Mental Disease" means the Medicaid term for any facility, whether or not licensed, of more than 16 beds primarily engaged in providing diagnosis, treatment or care of persons with mental diseases.

(70) "Intellectual Disability" means a condition characterized by significant limitations in both intellectual functioning and adaptive behavior that originates before the age of 22.

(71) "Interdisciplinary Team" means a group of staff members composed of representatives from different professions, disciplines, or services.

(72) "Involuntary Medication" means medication that is prescribed by the physician but not taken willingly by the patient, and is administered in accordance with the applicable categorical rule under Title R432.

(73) "Joint Commission (JCAHO)" means the Joint Commission on Accreditation of Healthcare Organizations.

(74) "License" means the certificate issued by the Department of Health and Human Services for the operation of the health care facility. This document constitutes the authority to receive patients and residents and to perform the services included within the scope of the rule and as specified on the license.

(75) "Licensed Practical Nurse (LPN)" means a person registered and currently licensed by the Utah Department of Commerce under Title 58, Chapter 31b Nurse Practice Act.

(76) "Licensed Practitioner" means a health professional currently licensed to diagnose, treat and prescribe within the scope of the license and established protocols.

(77) "Licensee" means the person or organization that is granted a license to operate a health care facility and has ultimate authority and responsibility for the operation, management, control, conduct, and functioning of the health care facility

(78) "Licensing Agency" means the Office of Licensing of the Utah Department of Health and Human Services.

(79) "Licensure" means the process of obtaining official or legal permission to operate a health care facility.

(80) "Living Unit" means the area or part of a health care facility where residents live and may include sleeping, dining and other resident activity areas.

(81) "Low Risk Maternal Mother" means a woman that is in good general health throughout pregnancy and birth and meets the criteria for low risk birth services as developed by the clinical staff and approved by the governing board and licensing agency for a birthing center.

(82) "Maladaptive Behavior" means negative behavior that demonstrates a reduction in, or lack of ability necessary to adjust to environmental demands and is self-injurious, dangerous to others, or environmentally destructive.

(83) "Medical Cannabis Cardholder" means the same as the term is defined in Section 26B-4-201.

(84) "Medical Equipment and Supplies" means items used for therapeutic or diagnostic purposes essential for patient care, such as dressings, catheters, or syringes.

(85) "Medical Staff" means, the organized body composed of all professional personnel, appointed by the governing body and granted privileges to practice in the health care facility.

(86) "Medication" means any drug, chemical compound, suspension, or preparation suitable for internal or external use by persons for the treatment or prevention of disease or injury.

(87) "Mental Disease" means any primary diagnosis of mental or substance use disorder listed in the Diagnostic and Statistical Manual (DSM) other than V Codes.

(88) "Mobile" means a person can take action for self-preservation under emergency conditions with the assistance of supportive equipment such as crutches, braces, walkers, or wheelchairs, but without the assistance, except for verbal instructions, from other persons.

(89) "Neglect" means the same as that term is defined in Section 26B-6-201.

(90) "New Construction" means any of the following:

(a) a new medical or health care facility licensed under Title R432;

(b) addition to an existing building; or

(c) alteration or modification, other than strictly repair and maintenance, costing more than \$3,000 or that affects the structure, electrical or mechanical system of a health care facility.

(91) "Non-Ambulatory" means unable to walk without assistance of another person.

(92) "Notice of Agency Action" means a written notice meeting the requirements of Subsection 63G-4-201(2) that the department issues to provide notice of a departmental action on a license or begin an adjudicative proceeding.

(93) "Nursing Care" means health care needs assistance provided to a sick or disabled individual, by or under the direction of licensed nursing personnel.

(94) "Nursing Home" means any health care facility licensed by the department to provide licensed nursing care and related services to residents that need continuous health care and supervision.

(95) "Occupational Therapist" means a person currently licensed by the Utah Department of Commerce under Title 58, Chapter 42a Occupational Therapy Practice Act.

(96) "Oral Surgeon" means a person that has successfully completed a postgraduate program in oral surgery accredited by a nationally recognized accrediting body approved by the U.S. Office of Education and is currently licensed by the Utah Department of Commerce to practice dentistry.

(97) "Owner" means any person or entity:

(a) responsible for operating a health care facility; or

(b) responsible for decisions and liabilities in a business management sense or that bears the final responsibility for operating decisions made in the capacity of a governing body.

(98) "PRN medication" means medication that is administered as needed. The time of medication administration is determined by the resident's need.

(99) "Parent Facility" means any freestanding health care facility under a single ownership, and licensed under Section 26B-2-201 except a home health agency. A parent facility includes:

(a) the main structure, wings, or detached buildings where a service within the scope of the license is offered and any detached building used for storage, heating or cooling equipment located on the main grounds and bounded by a city, county or a state street or road, or a property line; and

(b) any structure located outside the main facility grounds connected to the main facility by a heating or cooling system or by a covered walkway where a service is provided within the scope of the license.

(100) "Patient" means a resident, client or person receiving care and needed services in a health care facility.

(101) "Patient Care Plan" means an integrated plan of care developed for the patient in accordance with the applicable categorical rule under Title R432.

(102) "Pediatric Patients" means infants, children, adolescents, and young adults up to the age of 18.

(103) "Personal Care" means assistance provided to residents in ADLs.

(104) "Personal Care Aide" means a person that assists patients or residents in the activities of daily living and emergency first aid and may be supervised by a licensed nurse.

(105) "Personal Resource Funds" means funds received by a patient from a variety of sources, that the patient may spend as needed or desired.

(106) "Personnel" means any individual in training or employed by the health care facility.

(107) "Pharmacist" means a person currently licensed by the Utah Department of Commerce to practice pharmacology pursuant to Title 58, Chapter 17b Pharmacy Practice Act.

(108) "Physical Therapist" means a person currently licensed by the Utah Department of Commerce to practice under Title 58, Chapter 24b Physical Therapy Practice Act.

(109) "Physician" means a person currently licensed to practice medicine and surgery by the Utah Department of Commerce under Section 58-67-301, the Utah Medical Practice Act, or Section 58-68-301, Utah Osteopathic Medical Practice Act, or a physician in the employment of the government of the United States that is similarly qualified.

(110) "Place of Residence" means the place a patient makes their home. This may be a house, an apartment, a relative's home, housing for the elderly, a retirement home, an assisted living facility, or a place other than a health care facility that provides continuous nursing care.

(111) "Plan of Care" is also considered a plan of treatment and means a written plan based on assessment data or physician orders that:

- (a) identifies the patient's needs;
- (b) determines who shall provide needed services and how often;
- (c) identifies treatment goals; and
- (d) lists anticipated outcomes.

(112) "Podiatrist" means a person registered and currently licensed by the Utah Department of Commerce under Title 58, Chapter 5a Podiatric Physician Licensing Act.

(113) "Policies and Procedures" means a set of rules adopted by the governing body to govern the licensee's operation.

(114) "Practitioner" means a registered nurse with advanced or specialized training and is licensed by Utah Department of Commerce, Title 58, Chapter 31b Nurse Practice Act.

(115) "Prognosis" means a statement given as:

- (a) the likelihood of an individual achieving stated goals;
- (b) the degree of independence likely to be achieved; or
- (c) the length of time to achieve goals.

(116) "Program" means an organized system of services designed to address the treatment needs of the patient.

(117) "Program Narrative" means the levels of service to be offered and the specific patient population to be served.

(118) "Protected Living Arrangement" means providing food, shelter, sleeping accommodations, and supervision of ADLs for a person of any age that cannot independently maintain these basic needs and functions.

(119) "Provider" means a supplier of goods or services.

(120) "Public Agency" means an agency operated by a state or local government.

(121) "Public Health Center" means a publicly owned facility for providing public health services, including its laboratories, clinics, and administrative offices.

(122) "Qualified Intellectual Disabilities Professional (QIDP)" means a person that has specialized training or one year of experience in treating or working with individuals with intellectual disabilities including any of the following:

- (a) psychologist with a master's degree from an accredited program;
- (b) licensed physician;
- (c) educator with a bachelor's degree in education from an accredited program;
- (d) social worker with a bachelor's degree in social work from an accredited program or a field other than social work and at least three years of social work experience under the supervision of a qualified social worker;
- (e) licensed physical or occupational therapist;
- (f) licensed speech pathologist or audiologist;
- (g) registered nurse;

(h) therapeutic recreation specialist that is a graduate of an accredited program and is licensed to perform recreational therapy under Title 58, Chapter 40 Recreational Therapy Practice Act; or

(i) rehabilitation counselor certified by the Committee on Rehabilitation Counselor Certification.

(123) "Quality of Care" means standard of patient treatment, including medical or nursing care as well as restorative therapies.

(124) "Quality of Life" means how a patient experiences the state of existing and functioning in the facility environment, and is related to the human and humane processes involved in normal human functioning, including rights and freedoms.

(125) "Recovery," for birthing centers, means that period starting at birth and ending with the discharge of a client from the birthing center, or the period between the birth and the time a mother leaves the premises of the birthing center.

(126) "Recreational Therapist" means any person currently licensed to perform recreational therapy under Title 58, Chapter 40 Recreational Therapy Practice Act.

(127) "Referred Outpatient" means a person that receives diagnostic tests or examinations by the hospital's legally authorized health care practitioner, but receives medical diagnosis, treatment or other health care services from outside the hospital based upon the hospital practitioner's reported findings and results.

(128) "Refurbish" means to clean or otherwise change the appearance without making significant changes in the existing physical structure of a facility.

(129) "Registered Nurse" means any person registered and currently licensed by the Utah Department of Commerce to practice as a registered nurse under Title 58, Chapter 31b Nurse Practice Act.

(130) "Rehabilitation" means a program of care designed to restore a patient to a former capacity.

(131) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even if the marriage has been terminated by death or dissolution.

(132) "Remodel" means to reconstruct or to make significant changes in the existing physical structure of a facility.

(133) "Representative" means a person employed by the department.

(134) "Request for Agency Action" means any clear expression in writing by a licensee requesting the department to take an action or requesting an opportunity to appeal a department action.

(135) "Resident Living" means residential services provided by an ICF-ID health care facility.

(136) "Responsible Person" means an individual, relative, or close friend designated in writing by the resident, or a court-appointed guardian or person with durable power of attorney, that assists the resident and assumes responsibility for the resident's well-being and for any care not provided by the licensee.

(137) "Restrictive Procedures" means a class of procedures designed to reduce or eliminate maladaptive behaviors including:

(a) restricting an individual's movement;

(b) restricting an individual's ability to obtain positive reinforcement; and

(c) restricting an individual's ability to participate in programs.

(138) "Safety Device" means a protective device used to offer protection from inadvertent acts, including falling out of bed as well as deliberate acts, including removing a nasogastric tube.

(139) "Satellite Operation" means a health care treatment service that:

(a) is administered by a parent facility licensee within the scope of the parent facility licensee's license;

(b) is located further than 250 yards from the licensed parent facility or other areas determined by the department to be a part of the licensee's campus;

(c) is identified as a remote services;

(d) does not qualify for licensing under Section 26B-2-201; and

(e) is approved by the department for inclusion under the parent facility's license.

(140) "Seclusion" means a procedure that isolates the patient in a specific room or designated area to temporarily remove the patient from the therapeutic community and reduce external stimuli.

(141) "Self Administration of Medication" means when a resident is aware of the medication type, dosage and frequency of administration, they are permitted to independently remove an individual dose from a properly labeled container and take that medication.

(142) "Service Delivery Area" means any area in the health care facility including the kitchen or patient care services delivery area that includes patient rooms, corridors and adjacent areas where a specific service or group of services is organized, performed or carried out.

(143) "Service Pattern" means a continuum of medical and psychological needs expressed as a type and used in evaluation for appropriate placement and treatment purposes.

(144) "Social Service Worker (SSW)" means a person currently licensed by the Utah Department of Commerce to function as a social service worker under Title 58, Chapter 60 Mental Health Professional Practice Act.

(145) "Specialty Hospital" means a hospital licensee that provides specialized diagnostic, therapeutic, or rehabilitative services in the recognized specialty or specialties for which the hospital is licensed.

(146) "Speech-Language Pathologist" means a person currently licensed by the Utah Department of Commerce to practice speech-language pathology pursuant to Title 58, Chapter 41 Speech-Language Pathology and Audiology Licensing Act.

(147) "Substantial Noncompliance" means any occurrence of continuous noncompliance, or chronic noncompliance with one or more rule requirements in the administrative rules specific to the health care facility licensure category.

(148) "Summary Report" means a compilation of pertinent facts from the clinical notes regarding a patient, submitted to the patient's physician as part of a plan of treatment.

(149) "Supervision" means guidance of another person by a qualified person to assure that a service, function, or activity is provided within the scope of a license, certificate, job description, or instructions.

(150) "Support Person" means the individual selected or chosen by a mother to provide emotional support and to assist her during the process of labor and childbirth.

(151) "Surgeon General" means the surgeon general of the United States public health service.

(152) "Therapist" means a professionally trained, licensed or registered person including a physical therapist, occupational therapist, or speech therapist skilled in applying treatment techniques and procedures under the general direction of a physician.

(153) "Training and Habilitation Services" means services intended to improve or aid the intellectual, sensorimotor, and emotional development of a patient or resident.

R432-1-4. Identification Badges.

(1) A licensee shall ensure that the following individuals wear an identification badge:

- (a) any employee who provides direct care to a patient; and
- (b) any volunteer.

(2) The identification badge shall include the following information:

- (a) the person's first or last name; and
- (b) the person's title or position, in terms generally understood by the public.

R432-1-5. Distinct Part.

(1) A licensee that seeks to offer services outside the scope of their license, except for federally recognized swing bed units, shall submit a program narrative defining the levels of service to be offered and the specific patient population to be served.

(2) If the program meets the definition of a distinct part entity the program shall obtain a separate license.

R432-1-6. Requirements for a Satellite Service Operation.

(1) A licensee that seeks to offer a satellite operation shall submit a program narrative and one set of construction documents that outline the following:

- (a) street address of the remote facility;
- (b) capacity of the remote facility;
- (c) license category of the parent facility;
- (d) service authorized under the parent facility license that will be provided at the remote facility;
- (e) ancillary administrative and support services to be provided at the remote facility; and
- (f) international building code occupancy classification of the remote facility physical structure.

(2) Upon receipt of the satellite service program narrative and construction drawings, the department shall determine the applicable licensing requirements including the need for licensing the service.

(3) The licensee shall prove the following through the narrative and construction documents for department verification:

- (a) there is only a single health care treatment service provided at the remote site and that it falls within the scope of the parent facility license;
- (b) the remote facility physical structure is compliant with all construction codes appropriate for the service provided; and

(c) any necessary administrative and support services for the specified treatment service are available, on a continuous basis during the hours of operation, to ensure the health, safety, and welfare of the clients.

(3)(a) The department shall issue a separate license to a satellite service center of a licensed parent facility if it qualifies as a single satellite service treatment center.

(b) The satellite service licensee shall comply with this rule and Rule R380-600.

(4) A parent facility that seeks to offer more than one health care service at the same remote site shall either:

- (a) obtain a satellite service license for each service offered; or
 - (b) obtain a license for the remote complex as a freestanding health care facility.
- (5) A licensed hospital is limited to one emergency department satellite location.

(6) If a healthcare corporation owns and operates more than one hospital in the state, it:

- (a) may have up to two emergency department satellite locations associated with a licensed hospital; and
- (b) the health care corporation's total number of emergency department satellite locations may not exceed the total number of licensed hospitals it owns and operates in the state.

R432-1-7. Requirements for a Branch Location.

(1) An applicant for a branch location license shall submit a program narrative for department review that includes:

- (a) street address of the parent agency and branch location;

- (b) license category of the parent facility;
 - (c) service authorized under the parent agency license that will be provided at the branch location; and
 - (d) ancillary administrative and support services to be provided at the branch location.
- (2) Upon receipt of the branch location program narrative, the department shall determine the applicable licensing requirements including the need for licensing the service based on the following:
- (a) the service provided at the remote site falls within the scope of the parent agency license; and
 - (b) all necessary administrative and support services are available, on a continuous basis during the hours of operation, to ensure the health, safety, and welfare of the clients.
- (3)(a) The department shall issue a separate license identifying the agency as a branch location of the licensed parent agency if a location qualifies as a branch location.
- (b) The licensee is subject to the requirements outlined in this rule.

R432-1-8. Applications for License Actions.

- (1) An applicant for a license shall file a request for agency review or license application with the department on a form, or format furnished by the department.
- (2) An applicant shall comply with any zoning, fire, safety, sanitation, building and licensing laws, regulations, ordinances, and codes of the city and county in which the facility or agency is located.
- (3) An applicant shall obtain the following clearances and submit them as part of the completed application to the licensing agency:
- (a) a certificate of fire clearance from the state fire marshal or designated local fire authority certifying compliance with local and state fire codes for:
 - (i) initial application;
 - (ii) renewal application;
 - (iii) change of ownership; and
 - (iv) any time new construction or remodeling has occurred;
 - (b) a food services sanitation clearance report by a local health department providing food service at;
 - (c) initial application;
 - (d) upon a change of ownership; and
 - (e) certificate of occupancy from the local building official for:
 - (i) initial application;
 - (ii) change of location; and
 - (iii) at the time of any new construction or substantial remodeling.
- (4) An applicant shall submit contact information for the ownership of the legal entity including the names, phone numbers, email addresses and mailing addresses and the following written assurances that none of the listed individuals have:
- (a) been convicted of a felony;
 - (b) been found in violation of any local, state, or federal law that arises from or is otherwise related to the individual's relationship to a health care facility;
 - (c) been convicted of patient abuse, neglect or exploitation where the facts of the case prove that the licensee failed to provide adequate protection or services for the person to prevent such abuse; and
 - (d) currently, or within the five years before the date of application, had financial interest in a licensed health care facility that has been:
 - (i) subject of a patient care receivership action;
 - (ii) closed as a result of a settlement agreement resulting from a decertification action or a license revocation; or
 - (iii) involuntarily terminated from participation in either Medicaid or Medicare programs.

R432-1-9. Certified Status.

- (1) The department may accept certification of a health care facility that is accredited by a federally approved accreditation agency to meet the licensing inspection requirements.
- (2) A certified health care facility licensee in good standing with department and federal accreditation rules and standards may be exempt from the department annual licensing inspection process.
- (3) The department may attend any accrediting agency exit conference.
- (4) Regardless of certified status, the department may:
- (a) perform inspections;
 - (b) conduct complaint investigations; and
 - (c) verify compliance with state laws, rules, or standards identified in a department or accrediting body survey
- including:
- (i) monitoring any correction any health care facility licensee granted a provisional or conditional accreditation by the accreditation agencies until a full accreditation status is achieved;
 - (ii) any licensee that does not have a current, valid accreditation certificate;
 - (iii) monitoring any plan of correction not completed within the specified time frames; and
 - (iv) any construction, expansion, or remodeling projects required to comply with standards for construction in rules under Title R432.

(5) The department may conduct an annual validation inspection of an accredited health care facility to determine compliance with state licensing requirements. If a validation survey discloses a failure to comply with licensing rules, the exemption listed in Subsection R432-1-10(2) shall no longer apply.

R432-1-10. Visitation Policies.

- (1) A licensee shall post visitation policies and procedures on the facility website.
- (2) A licensee shall submit the visitation policies and procedures to the department with content compliant with Section 26B-2-242.
- (3) The department enforces the requirements of Section 26B-2-242 and accepts concerns regarding compliance with any licensing requirement on the Division of Licensing and Background Processing website: www.dlbc.utah.gov.

R432-1-11. Medical Cannabis Designated Caregiver.

- (1) An assisted living facility, nursing care facility or general acute hospital employee may become a designated caregiver for a patient or resident in accordance with Section 26B-4-214.
- (2) If a licensee listed in Subsection R432-1-12(1) designates one or more individuals as a patient or resident designated caregiver, the licensee shall develop and enforce policies and procedures that outline:
 - (a) rules for patient or resident medical cannabis use in the facility;
 - (b) responsibilities of the designated employee regarding receipt, documentation and administration of the medical cannabis; and
 - (c) storage and access to medical cannabis.
- (3) A licensee that employs a designated caregiver shall maintain a current list of the designation assignments to provide to the department upon request.
- (4) A licensee shall notify prospective patients or residents and their responsible person regarding the facility's designated caregiver policy for any patient or resident who requests:
 - (a) to possess medical cannabis;
 - (b) to have medical cannabis administered; or
 - (c) for the facility to receive medical cannabis in a shipment.

R432-1-12. Penalties.

Any person found in noncompliance with any provision of this rule may be subject to the penalties enumerated in Section 26B-2-208 and Rule R380-600.

KEY: health care facilities

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