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Rule R432-1. General Health Care Facility Rules.

As in effect on March 1, 2005

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R432-1-1. Legal Authority.

This rule is adopted pursuant to Title 26, Chapter 21.

R432-1-2. Purpose.

The purpose of this rule is to define the standard terms for all licensed health care facilities and agencies.

R432-1-3. Definitions.

- (1) Terms used in this rule are defined in Section 26-21-2. In addition:
- (2) "AWOL/Elopement" means absence without leave; an unauthorized departure from the facility.
- (3) "Abortion" is defined in Section 76-7-301(1).
- (4) "Abuse" is defined in 62A-3-301 as:

- (a) attempting to cause, or intentionally or knowingly causing physical harm, or intentionally placing another in fear of imminent physical harm;
- (b) physical injury caused by criminally negligent acts or omissions;
- (c) unlawful detention or unreasonable confinement;
- (d) gross lewdness;
- (e) deprivation of life sustaining treatment, except:
- (i) as provided in Title 75, Chapter 2, Part 11, Personal Choice and Living Will Act; or
- (ii) when informed consent, as defined in Section 76-5-111, has been obtained.
- (5) "Act" means the Health Facility Licensure and Inspection Act, Title 26, Chapter 21.
- (6) "Active Treatment" means the habilitative program of care for ICF/MR patients described in 42 CFR Part 483 (1983) that addresses training in daily living, self-help, and social skills; activities; recreation; appropriate staffing level; special resident programs; program evaluation; nursing services; documented resident surveys and progress; and social services.
- (7) "Activities of Daily Living" ("ADL") means those personal functional activities required for an individual for continued well-being; including 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.
- (c) "Dependent" means the resident cannot perform any part of an activity; it must be done entirely by someone else.
- (8) "Administering" means the direct application of a prescription drug or device, whether by injection, inhalation, ingestion, or by any other means, to the body of a human patient or research subject by another person.
- (9) "Affiliation" means a relationship, usually signified by a written agreement, between two organizations, under the terms of which one organization agrees to provide specified services and personnel to meet the needs of the other, usually on a scheduled basis.
- (10) "Aftercare" means post-institution services designed to help a patient maintain or improve on the gains made during inpatient treatment.

- (11) "Aide or Attendant" means a person employed to assist in activities of daily living and in the direct personal care of patients.
- (12) "ADAAG" means the Americans with Disability Act Accessibility Guidelines, 28 CFR 36, Appendix A, July 1993.
- (13) "Ambulatory" means a person who is capable of achieving mobility sufficient to exit his residence without assistance of another person.
- (14) "Annual Report" means a document containing annual statistical information from a licensed health facility or agency.
- (15) "Assessment" means a process of observing, testing and evaluating a patient in order to obtain information.
- (16) "Bathing Facility" means a bathtub or shower.
- (17) "Bed Capacity" means the maximum number of beds which the facility is licensed to offer for patient care.
- (18) "Behavior Management" means a planned, systematic application of methods and findings of behavioral science with the intent of reducing observable negative behaviors.
- (19) "Birthing Room" means a room and environment designed, equipped and arranged to provide for the care of a woman and newborn and to accommodate her support person(s) during the process of vaginal birth.
- (20) "Certificate of Completion" means a document issued by the Utah Board of Education to a person who completes an approved course of study not leading to a diploma; to a person who passes a challenge exam for that same course of study; or to a person whose out-of-state credentials and certificate are acceptable to the Board.
- (21) "Certified" means a health facility or agency which holds a current license issued by the Department, and which also meets the standards established for participation in federally funded programs, such as Medicare.
- (22) "Certified Nurse Aide" means a nursing assistant who has completed a federally approved training program and proved competency through testing, thereby he is entitled to be employed in a licensed health care facility or agency.
- (23) "Certified Registered Nurse Anesthetist" means a registered nurse who is licensed by the Utah Department of Commerce under Title 58 Chapter 31b.
- (24) "Certified Nurse Midwife" means an individual licensed to practice by the Utah Department of Commerce under Title 58, Chapter 44a.
- (25) "Certified Social Worker" means an individual licensed by the Utah Department Commerce under Title 58. Chapter 60.

- (26) "Chronic Noncompliance" means a violation of the same licensing administrative rule which is documented in any three inspections within a four year period. Inspections may include complaint investigations, surveys, or follow-up inspections on plans of correction, or any combination of these inspections that is documented by the Department, an accrediting organization or a federal agency.
- (27) "Clinical Note" means a dated, written notation by a member of the health team which indicates contact with a patient and describes any of the following: signs and symptoms of dysfunction, treatment given or medication administered, the patient's reaction, changes in physical or emotional condition, or services provided.
- (28) "Clinical Staff" means the physicians and certified providers appointed by the governing authority to practice within the health facility or agency.
- (29) "Consultant" means an individual who provides professional services either upon request or on the basis of a prearranged schedule, usually on a contract basis, who is neither a member of the employed staff of the facility or agency, nor whose services are provided within the terms of an affiliation agreement.
- (30) "Continuous Noncompliance" means three or more violations of a single licensing rule requirement occurring within a 12-month time period.
- (31) "Contract Services" means services purchased by a health facility or agency under a contract with an individual or a provider whose personnel are not salaried employees of the facility or agency.
- (32) "Control Station" means a central office or area for charting, drug preparation, and other patient-care tasks normally performed at a nursing station.
- (33) "Critical Care Unit" means a special physical and functional unit for the segregation, concentration and close or continuous nursing observation and care of patients who are critically, seriously, or acutely ill.
- (34) "Day Treatment" means training and habilitation services delivered outside the patient's place of residence which are intended to aid the vocational, prevocational, and self-sufficiency skill development of an ICF/MR patient. These services must meet active treatment requirements and must be coordinated and integrated with the active treatment program of the facility or agency.
- (35) "Dentist" means a person registered and currently licensed by the Utah Department of Commerce under Title 58, Chapter 69.
- (36) "Department" means the Utah Department of Health.
- (37) "Developmental Disability" means a severe, chronic disability that meets all of the following conditions:
- (a) Is attributable to: cerebral palsy, epilepsy, autism; or any other condition, other than mental illness, closely related to mental retardation which results in

impairment of general intellectual functioning adaptive behavior, or requires treatment or services similar to those required for mentally retarded persons;

- (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.
- (38) "Dietitian" means a person who is certified pursuant to Title 58, Chapter 49.
- (39) "Direct Services" means services provided by salaried employees of a health facility or agency, as opposed to services provided by contract.
- (40) "Direct Supervision" means the critical observation and guidance by a qualified person of another person's activities or course of action.
- (41) "Discharge" means the point at which the patient's involvement with a facility or agency program is terminated and the facility or agency program no longer maintains active responsibility for the care of the patient.
- (42) "Distinct Part" means a discrete, physically definable entity located within a structure constructed and equipped according to applicable codes which:
- (a) provides within the structure the necessary unique physical facilities, equipment, staff, and supplies to deliver all basic services that are offered to and needed for the diagnosis, therapy, and treatment of patients, and to comply with licensing standards;
- (b) provides or arranges for necessary administrative and non-unique, non-clinical, ancillary type services such as dietary, laundry, housekeeping, business office and medical records; and
- (c) protects the rights of patients including freedom from unwanted intrusion by visitors, guests, staff, and residents of adjacent licensed facilities and use occupancies.

- (43) "Documentation" means written supportive information, records, or references to verify information required by law or rule.
- (44) "Drug History" means identifying all of the drugs used by a patient, including prescribed and unprescribed drugs.
- (45) "Emergency" means any situation or event that threatens or poses a threat to the occupants of the facility or agency, or prohibits one or more occupants (staff, patient, or visitor) from receiving services normally offered by the facility or agency, or requires action not normally performed by the facility or agency staff.
- (46) "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.
- (47) "Environment" means the physical and emotional atmosphere including architectural design, furnishings, color, privacy, and safety, as well as other people.
- (48) "Executive Director" means the Executive Director of the Utah Department of Health.
- (49) "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.
- (50) "Free-standing Urgent Care Center," as distinguished from a private physician's office or emergency room setting, means a facility which provides outpatient health care service (on an as-needed basis, without appointment) to the public for diagnosis and treatment of medical conditions which 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 medical history physical examination, assessment of health status and treatment for a variety of medical conditions commonly offered in a physician's office.
- (51) "Governing Authority or Governing Body" means the board of trustees, owner, person or persons 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 or agency.
- (52) "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.
- (53) "Guardian" means a person legally responsible for the care and management of a person who is considered by law to be incompetent to manage his own affairs.
- (54) "Habilitation" means techniques and treatment which actively build and develop new or alternative styles of independent functioning and promote new behavior which results in greater self-sufficiency and sense of well-being.

- (55) "Health Care Facility or Agency" means any facility or agency licensed under the authority of the Health Facility Committee and designated as such in Subsection 26-21-2(10).
- (56) "Health Services Supervisor" means a person with a professional medical license or certificate, such as a nurse, social worker, physical therapist, or psychologist, responsible for the development, supervision, and implementation of a written health care plan for each resident.
- (57) "Homemaker" means a person who cares for the environment in the home through performance of duties such as housekeeping, meal planning and preparation, laundry, shopping and errands.
- (58) "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 R432-500.
- (59) "ICD-9-CM" means the International Classification of Diseases, 9th revision, Clinical Modification, 1986.
- (60) "Imminent Danger" means a situation or condition which presents a substantial likelihood of death or serious physical or mental harm to a patient or resident in the facility or agency.
- (61) "Inpatient Program" means treatment provided in a suitably equipped setting that provides services to persons who require care that warrants 24-hour supervision.
- (62) "Intake" means the administrative and assessment process for admission to a program.
- (63) "Interdisciplinary Team" means a group of staff members composed of representatives from different professions, disciplines, or services.
- (64) "Involuntary Medication" means medication which is prescribed by the physician but not taken willingly by the patient, and is administered due to compelling medical reasons.
- (65) "Joint Commission" means the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).
- (66) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.
- (67) "License" means the certificate issued by the Department of Health for the operation of the facility or agency. 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.
- (68) "Licensed Practical Nurse (LPN)" means a person registered and licensed by the Utah Department of Commerce under Title 58, Chapter 31b.

- (69) "Licensed Practitioner" means a health professional whose license allows diagnosis, treatment, and prescribing practices within the scope of the license and established protocols.
- (70) "Licensee" means the person or organization who is granted a license to operate a health facility or agency and who has ultimate authority and responsibility for the operation, management, control, conduct, and functioning of the facility or agency.
- (71) "Licensing Agency" means the Bureau of Licensing of the Utah Department of Health.
- (72) "Licensure" means the process of obtaining official or legal permission to operate a health facility or agency.
- (73) "Living Unit" means the area or part of a facility where residents sleep and may include dining and other resident activity areas.
- (74) "Low Risk Maternal Mother" means a woman who is in good general health throughout pregnancy and birth and who 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.
- (75) "Maladaptive (negative) Behavior" means behavior that is either self-injurious, or dangerous to others, or environmentally destructive, demonstrating a reduction in or lack of ability necessary to adjust to environmental demands.
- (76) "Medical Equipment and Supplies" means items used for therapeutic or diagnostic purposes essential for patient care, such as dressings, catheters, or syringes.
- (77) "Medical Staff" means, the organized body composed of all specified professional personnel, appointed by the governing body and granted privileges to practice in the facility or agency.
- (78) "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.
- (79) "Mental Retardation" means significantly subaverage general intellectual functioning resulting in, or associated with, concurrent impairments in adaptive behavior and manifested during the developmental period. Significantly subaverage general intellectual functioning is operationally defined as a score of two or more standard deviations below the mean on a standardized general intelligence test. Developmental period is defined as the period between conception and the 18th birthday.
- (80) "Mental Disease" means any disease listed as a mental disorder in the ICD-9-CM excluding the codes for senility or organic brain syndrome (290 through 294.9 and 310 through 310.9), the codes for adjustment reaction (309); the codes for psychic factors associated with diseases classified elsewhere (316); and the codes

for mental retardation (317 through 319). Codes 314 through 315.9 may also be excluded for individuals suffering impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons. Codes 309 and 316 are also excluded.

- (81) "Mobile" means a person who is able to 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.
- (82) "Neglect" means the same as 62A-3-301(10).
- (83) "New Construction" means any of the following:
- (a) New medical or health care facilities licensed under these rules;
- (b) Addition(s) to an existing building;
- (c) Alteration(s) or modification(s) (other than strictly repair and maintenance) costing more than \$3,000 or that affect the structure, electrical or mechanical system of a health care facility.
- (84) "Non-Ambulatory" means unable to walk without assistance of other persons.
- (85) "Nursing Care" means assistance provided to sick or disabled individuals, by or under the direction of licensed nursing personnel, for their health care needs.
- (86) "Nursing Home" means any facility licensed by the Department as a nursing care facility that provides licensed nursing care and related services to residents who need continuous health care and supervision.
- (87) "Occupational Therapist" means a person currently licensed by the Utah Department of Commerce under Title 58, Chapter 42a.
- (88) "Oral Surgeon" means a person who 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 licensed by the Utah Department of Commerce to practice dentistry.
- (89) "PRN medication" means medication which is administered pro re nata. Pro re nata means as needed. The time of medication administration is determined by the resident's need.
- (90) "Parent Facility" means all free-standing health facilities under a single ownership licensed under Section 26-21-2 except home health agencies. The parent facility includes:
- (a) the main structure, wings, or detached buildings where a service within the scope of the facility's license is offered and any detached building used for storage, heating or cooling equipment located on the main grounds 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 parent facility's license.
- (91) "Patient" means a resident or person receiving care in a health care facility or agency. Patient, client or resident terms are interchangeable meaning a person who is receiving needed services.
- (92) "Patient Care Plan" means an integrated plan of care developed for the patient.
- (93) "Pediatric Patients" means infants, children, adolescents, and young adults up to the age of 18.
- (94) "Personal Care" means assistance provided to residents in activities of daily living.
- (95) "Personal Care Aide" means a person who assists patients or residents in the activities of daily living and emergency first aid; and who may be supervised by a licensed nurse.
- (96) "Personal Resource Funds" means monies received by a patient from a variety of sources which the patient may spend as needed or desired.
- (97) "Personnel" means individual(s) in training or employed by the health care facility or agency.
- (98) "Pharmacist" means a person currently licensed by the Utah Department of Commerce to practice pharmacology pursuant to Title 58, Chapter 17a.
- (99) "Physical Therapist" means a person currently licensed by the Utah Department of Commerce to practice under Title 58, Chapter 24a.
- (100) "Physician" means a person who is 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 who is similarly qualified.
- (101) "Place of Residence" means the place a patient makes his 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 which provides continuous nursing care.
- (102) "Plan of Care or Plan of Treatment" are interchangeable terms which mean a written plan based on assessment data or physician orders that identifies the patient's needs, who shall provide needed services and how often, treatment goals, and anticipated outcomes.
- (103) "Podiatrist" means a person registered and licensed by the Utah Department of Commerce under Title 58, Chapter 5a.

- (104) "Policies and Procedures" means a set of rules adopted by the governing body to govern the health care facility or agency's operation.
- (105) "Practitioner" means a registered nurse, with advanced or specialized training, who is licensed by Utah Department of Commerce, Title 58, Chapter 31b.
- (106) "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.
- (107) "Program" means a general term for an organized system of services designed to address the treatment needs of the patient.
- (108) "Protected Living Arrangement" means provision for food, shelter, sleeping accommodations, and supervision of activities of daily living for persons of any age who are unable to independently maintain these basic needs and functions.
- (109) "Provider" means a supplier of goods or services.
- (110) "Public Agency" means an agency operated by a state or local government.
- (111) "Public Health Center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.
- (112) "Qualified Mental Retardation Professional (QMRP)" means a person who has specialized training or one year of experience in treating or working with the mentally retarded including any one of the following: psychologist with a master's degree from an accredited program; licensed physician; educator with a bachelor's degree in education from an accredited program; 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; licensed physical or occupational therapist; licensed speech pathologist or audiologist; registered nurse; therapeutic recreation specialist who is a graduate of an accredited program and is licensed to perform recreational therapy under the provisions of Title 58, Chapter 40; Rehabilitation counselor who is certified by the Committee on Rehabilitation Counselor Certification.
- (113) "Quality of Care" means the provision of patient treatment, including medical or nursing care as well as restorative therapies.
- (114) "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.
- (115) "Recovery," for birthing centers, means that period or duration of time starting at birth and ending with the discharge of a client from the birthing center,

or the period of time between the birth and the time a mother leaves the premises of the birthing center.

- (116) "Recreational Therapist" means any person licensed to perform recreational therapy under the provisions of Title 58, Chapter 40.
- (117) "Referred Outpatient" means a person who is receiving his medical diagnosis, treatment, or other health care services from one or more sources outside the hospital, but who receives from the hospital diagnostic tests or examinations ordered by health care practitioners, legally permitted to order such tests and examinations, and to whom the hospital reports findings and results.
- (118) "Refurbish" means to clean or otherwise change the appearance without making significant changes in the existing physical structure of a facility.
- (119) "Registered Nurse" means any person who is registered and licensed by the Utah Department of Commerce to practice as a registered nurse under Title 58, Chapter 31.
- (120) "Rehabilitation" means a program of care designed to restore a patient to a former capacity.
- (121) "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.
- (122) "Remodel" means to reconstruct or to make significant changes in the existing physical structure of a facility.
- (123) "Representative" means a person employed by the Department.
- (124) "Request for Hearing" means any clear expression in writing by a provider requesting an opportunity to appeal a Department action following R432-30.
- (125) "Resident Living" means residential services provided by an ICF/MR facility.
- (126) "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, who assists the resident and assumes responsibility for the resident's well-being and for any care not provided by the facility or agency.
- (127) "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.

- (128) "Safety Device" means a protective device used to offer protection from inadvertent acts (such as falling out of bed) as well as deliberate acts (such as removing a nasogastric tube).
- (129) "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.
- (130) "Self Administration of Medication" means the act by which a resident independently removes an individual dose from a properly labeled container and takes that medication. The resident must know the medication type, dosage and frequency of administration.
- (131) "Service Delivery Area" means any area in the facility where a specific service or group of services is organized, performed or carried out. For example the dietary services area includes the kitchen; patient care services delivery area includes patient rooms, corridors, and adjacent areas.
- (132) "Service Pattern" means a continuum of medical and psychological needs expressed as a type and used in evaluation for appropriate placement and treatment purposes.
- (133) "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.
- (134) "Social Worker, Certified (CSW)" means a person currently licensed by the Utah Department of Commerce to practice social work under Title 58, Chapter 60.
- (135) "Specialty Hospital" means a hospital which provides specialized diagnostic, therapeutic, or rehabilitative services in the recognized specialty or specialties for which the hospital is licensed.
- (136) "Speech-Language Pathologist" means a person licensed by the Utah Department of Commerce to practice speech-language pathology pursuant to Title 58, Chapter 41.
- (137) "Substantial Noncompliance" means any occurrence of a Class I violation, or the occurrence of one or more Class II violations resulting in continuous noncompliance, or chronic noncompliance with one or more rule requirements in the administrative rules specific to the health care facility licensure category.
- (138) "Summary Report" means a compilation of pertinent facts from the clinical notes regarding a patient, usually submitted to the patient's physician as part of a plan of treatment.
- (139) "Supervision" means guidance of another person or persons 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.

- (140) "Support Person" means the individual(s) selected or chosen by a mother to provide emotional support and to assist her during the process of labor and childbirth.
- (141) "Surgeon General" means the surgeon general of the United States public health service.
- (142) "Therapist" means a professionally trained licensed or registered person (such as a physical therapist, occupational therapist, or speech therapist), who is skilled in applying treatment techniques and procedures under the general direction of a physician.
- (143) "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) Health care facilities and agencies shall ensure that the following persons, shall wear an identification badge:
- (a) professional and non-professional employees who provide direct care to patients; and
- (b) volunteers.
- (2) The identification badge shall include the following:
- (a) the person's first or last name; however, the badge does not have to reveal the persons full name; and
- (b) the person's title or position, in terms generally understood by the public.

KEY

health facilities

Date of Enactment or Last Substantive Amendment

August 7, 2001

Notice of Continuation

January 5, 2004

Authorizing, Implemented, or Interpreted Law

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