

Draft of Rule Update for R432-201 Intellectual Disabilities Facility: Supplement "A" to the Small Health Care Facility Rule for DLBC
HFC Nov. 2025

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

R432-201. Intellectual Disabilities Facility: Supplement "A" to the Small Health Care Facility Rule.

R432-201-1. Authority and Purpose.

~~(1)~~ Section 26B-2-202 authorizes this rule.[]

~~R432-201-2. Purpose:~~

~~(2)~~ The purpose of this rule is to meet the legislative intent set out in Section 26B-2-212.

R432-201-~~[3]~~2. ~~[Special]~~Definitions.

- (1) ~~Terms used in this rule are defined in Rule R432-1. [a] Additionally [defines terms that apply to this rule].~~
(2) "QIDP" means qualified intellectual disability professional as outlined in 42 CFR 483.430 (2021).

R432-201-~~[4]~~3. Licensure.

(1) The licensee shall comply with any applicable federal, state, and local laws, regulations, and codes pertaining to health, safety, and sanitation.

(2) The licensee shall comply with~~[the following under Title R432]:~~

- (a) Rule R432-1~~[2, Small Health Care Facility Construction]~~;
(b) Rule R432-~~[2]~~12~~[, General Licensing Provisions]~~;
(c) Section R432-150-20: Admission, Transfer, and Discharge.
Section R432-150-23: Medical Records.
Section R432-150-25: Laundry Services.
Section R432-150-26: Maintenance Services.
Section R432-150-27: Emergency Response and Preparedness Plan.
Section R432-152-6: Governing Body and Management.
Section R432-152-9: Volunteers.
Section R432-152-11: Individual Program Plan.
Section R432-152-12: Comprehensive Functional Assessment.
Section R432-152-13: Human Rights Committee.
Section R432-152-14: Admissions, Transfers, and Discharge.
Section R432-152-15: Client Behavior and Facility Practices.
Section R432-152-16: Physician Services.
Section R432-152-17: Nursing Services.
Section R432-152-18: Dental Services.
Section R432-152-19: Pharmacy Services.
Section R432-152-20: Laboratory Services.
Section R432-152-24: Smoking Policies.
Section R432-200-7, Levels of Care; and
~~(d)~~y Section R432-200-9, Smoking Policy;
~~(e) the following Sections of Rule R432-152:~~
~~(i) R432-152-9, Individual Program Plan;~~
~~(iii)f) Section R432-152-11, Human Rights Committee;~~
~~(iii) R432-152-12, Admissions, Transfers and Discharges;~~
~~(iv) R432-152-13, Client Behavior and Facility Practices;~~
~~(v) R432-152-14, Physician Services;~~
~~(vi) R432-152-15, Nursing Services;~~
~~(vii) R432-152-16, Dental Services;~~
~~(viii) R432-152-17, Pharmacy Services;~~
~~(ix) R432-152-18, Laboratory Services;~~
~~(x) R432-152-19, Environment;~~
~~(xi) R432-152-20, Emergency Plan and Procedures;~~
~~(xii) R432-152-24, Client Records; and~~
~~(xiii) R432-152-6, Facility Staffing; and~~
~~(f) the following sections of Rule R432-150:~~
~~(i) R432-150-20, Pets in Long Term Care Facilities;~~
~~(ii) R432-150-25, Housekeeping Services;~~
~~(iii) R432-150-26, Laundry Services;~~
~~(iv) R432-150-27, Maintenance Services; and~~
~~(v) R432-150-23, Food Services].~~

R432-201-~~[5]~~4. Governing Body and Management.

- (1) The licensee shall identify an individual or group to constitute the governing body of the facility responsible ~~[to]~~for:
(a) exercising~~[e]~~ general policy, budget, and operating direction over the facility;

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- (b) setting the qualifications for the administrator of the facility; and
- (c) appointing, in writing, the administrator of the facility, who is professionally licensed by the Utah Department of Commerce in a health care field.
- (2) The licensee shall post a copy of the administrator's license or credentials alongside the facility's license in a place readily visible to the public.
- (3) The administrator shall act as the administrator of no more than four small health care facilities, as defined in Rule R432-200, and no more than a total of 60 beds in any type of licensed health care facility.
- (4) The administrator shall have enough freedom from other responsibilities to be on the premises of the facility enough hours in each business day, at least four hours per week for every six clients, and as necessary to properly manage the facility and respond to requests by the department and the public.
- (5)(a) The administrator shall designate, in writing, the name and title of the person who shall act as administrator in their absence.
- (b) The administrator's designee shall have enough power, authority, and freedom to act in the best interests of client safety and well-being.
- (c) The administrator designee may not supplant the licensed administrator.
- (6) The licensee shall include the administrator's responsibilities in a written job description on file in the facility and available for department review.
- (7) The licensee shall ensure the job description includes the responsibility to ensure the following duties are fulfilled:
 - (a) complete, submit, and file any records and reports required by the department;
 - (b) act as a liaison with the licensee, QIDP, and other supervisory staff of the facility;
 - (c) respond to recommendations made by the facility committees;
 - (d) ensure employees are oriented to their job functions and receive appropriate and regularly scheduled in-service training;
 - (e) implement policies and procedures for the operation of the facility;
 - (f) hire and maintain the required number of licensed and non-licensed staff, as specified in this rule, to meet the needs of clients;
 - (g) maintain facility staffing records for at least the preceding 12 months;
 - (h) secure and update contracts for required professional and other services not provided directly by the facility;
 - (i) verify any required licenses and permits of staff and consultants when hired or on the effective date of contract; and
 - (j) review any incident and accident reports and document action taken.
- (8) The licensee shall ensure incident and accident reports:
 - (a) are numbered and logged in a manner to account for each report;
 - (b) have space for written comments by the administrator and, as appropriate, the attending physician and constituted committee; and
 - (c) are kept on file in the facility and are available for review by the department.

R432-201-[6]5. Staff and Personnel.

- (1) Subsection R432-150-[10]2(2)(~~e~~) applies to an intellectual disabilities facility and the following additionally apply:
 - (a) the administrator, QIDP, and department supervisors shall develop job descriptions for each position including job title, job summary, responsibilities, qualifications, required skills and licenses, and physical requirements;
 - (b) the licensee shall document periodic employee performance evaluations;
 - (c) any dietary and other staff who handle food shall obtain a food handler's permit from the local health department;
 - (d) the licensee shall ensure each client's active treatment program is integrated, coordinated, and monitored by a QIDP; and
 - (e) staff shall meet the standards in Section R432-152-6.
- (2) The licensee may utilize volunteers in the daily activities of the facility, but volunteers may not be included in the facility's staffing plan in place of facility employees.

R432-201-[7]6. Contracts and Agreements.

- (1) Subsection R432-150-[8]2(2)(~~e~~)a applies to an intellectual disabilities facility and the licensee shall ensure the contract:
 - (a) contains the responsibilities, functions, objectives, and other terms agreed to by both parties including emergency and other health care;
 - (b) provides that the licensee is responsible for assuring that the outside services meet the standards for quality of services
 - (c) acknowledges the licensee is responsible for client care in the process of transfer; and
 - (d) outlines contractor responsibility for client confidentiality.
- (2) The licensee shall ensure that outside services meet the needs of each client.
- (3) The licensee shall adhere to the standards relating to the physical environment requirements in Rules R432-12 and R432-152 regardless of whether or not the licensee owns the building.

R432-201-[8]7. Client Rights.

- (1) The licensee shall:
 - (a) ensure the rights of each client, as outlined in this section;
 - (b) inform each client, parent, if the client is a minor, or legal guardian, of the following:
 - (i) client rights;
 - (ii) rules of the facility;
 - (iii) medical condition;
 - (iv) developmental status;
 - (v) behavioral status;
 - (vi) attendant risks of treatment; and

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- (vii) the right to refuse treatment;
 - (c) allow and encourage individual clients to exercise their rights as clients of the facility, and as citizens of the United States, including the right to file complaints and the right to due process, and give each client the opportunity to voice grievances and recommend changes in policies and procedures to facility staff and outside representatives of personal choice, free from restraint, interference, coercion, discrimination, or reprisal;
 - (d) allow individual clients to manage their financial affairs and teach them to do so to the extent of their capabilities;
 - (e) ensure that clients are not subjected to physical, verbal, sexual, or psychological abuse, or punishment;
 - (f) ensure that clients are free from unnecessary drugs and physical restraints and are provided active treatment to reduce dependency on drugs and physical restraints;
 - (g) provide each client with the opportunity for personal privacy and ensure privacy during treatment and care of personal needs;
 - (h) ensure the clients are not compelled to participate in publicity events, fund raising activities, movies or anything that would exploit the client;
 - (i) ensure that clients are not compelled to perform services for the facility and ensure that clients who do work for the facility are compensated for their efforts at prevailing wages commensurate with their abilities;
 - (j) ensure clients the opportunity to communicate, associate and meet privately with individuals of their choice, including legal counsel and clergy, and to send and receive unopened mail;
 - (k) ensure that clients have access to telephones with privacy for incoming and outgoing local and long-distance calls except as contraindicated by factors identified within their individual program plans;
 - (l) ensure clients the opportunity to participate in social and community group activities and the opportunity to exercise religious beliefs and to participate in religious worship services without being coerced or forced into engaging in any religious activity;
 - (m) ensure that clients have the right to keep and use appropriate personal possessions and clothing, and ensure that each client is dressed in their own clothing each day; and
 - (n) permit a married couple both of whom reside in the facility to reside together as a couple.
- (2) The licensee shall establish and maintain a system that ensures:
- (a) complete accounting of clients' personal funds entrusted to the facility on behalf of clients;
 - (b) no commingling of client funds with facility funds or with the funds of any person other than another client;
 - (c) the client's financial record is available on request to the client, parents, if the client is a minor, or legal guardian;
 - (d) any money entrusted to the facility on behalf of the clients is kept in the facility or insured and deposited within five days of receipt in an interest-bearing account in a local bank or savings and loan association authorized to do business in Utah;
 - (e) when the amount of a client's money entrusted to the facility exceeds \$150, any money over \$150 is deposited in an interest-bearing account;
 - (f) a person, firm, partnership, association, or corporation, that is licensed to operate more than one health facility maintains a separate account for each facility and does not commingle client funds from one facility with another;
 - (g) upon discharge of a client, any money and valuables of the client that have been entrusted to the licensee are surrendered to the client in exchange for a signed receipt;
 - (h) the licensee shall surrender, upon demand, any money and valuables kept within the facility and shall make available any money kept in an interest-bearing account within a reasonable time;
 - (i) within 30 days following the death of a client, except in a case under investigation by the medical examiner, any money, and valuables of the client that have been entrusted to the licensee are surrendered to the person responsible for the client or to the executor or the administrator of the estate in exchange for a signed receipt; and
 - (j) when a client dies without a representative or known heirs, the licensee shall provide immediate written notice to the state medical examiner and the registrar of the local probate court and file a copy of the notice with the department.
- (3) The licensee shall:
- (a) promote participation of parent, if the client is a minor, and legal guardian in the process of providing active treatment to a client unless their participation is unobtainable or inappropriate;
 - (b) answer communications from a client's family and friends promptly and appropriately;
 - (c) promote visits by individuals with a relationship to a client, such as family, close friends, legal guardian, and advocate, at any reasonable hour, without earlier notice, consistent with the right of a client's and other clients' privacy, unless the interdisciplinary team determines that the visit would not be appropriate for that client;
 - (d) promote visits by parents or guardians to any area of the facility that provides direct client care service to a client, consistent with right of that client's and other clients' privacy;
 - (e) promote frequent and informal leaves from the facility for visits, trips, or vacations; and
 - (f) notify promptly a client's parent or guardian of any significant incident, or change in a client's condition including, serious illness, accident, death, abuse, or unauthorized absence.
- (4) The licensee shall develop and implement written policies and procedures that:
- (a) prohibit mistreatment, neglect, or abuse of a client;
 - (b) prohibit the use of physical, verbal, sexual, or psychological abuse, or punishment;
 - (c) prohibit punishing a client by withholding food or hydration that contribute to a nutritionally adequate diet;
 - (d) prohibit the employment of individuals with a conviction or earlier employment history of child, client abuse, spouse abuse, neglect, or mistreatment;
 - (e) ensure that each allegation of mistreatment, neglect, or abuse, or injuries of unknown source, are reported immediately to the administrator and to other officials in accordance with Section 26B-6-202 through established procedures;

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(f) ensure there is evidence that any alleged violations are thoroughly investigated and shall prevent further potential abuse while the investigation is in progress; and

(g) ensure the results of any investigation are reported to the administrator or designated representative and to other officials within five working days of the incident and, if the alleged violation is verified, take appropriate corrective action.

R432-201-9. Penalties.

The department may impose a civil money penalty in accordance with Section 26B-1-224 if there has been a failure to comply with ~~rules under this chapter~~ Title R432.

KEY: health care facilities

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