

State of Utah
Administrative Rule Analysis
Revised May 2026

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment	Filing ID: OFFICE USE ONLY
Rule or section number:	R432-201
Date of previous publication (only for CPRs):	Click or tap to enter a date.

1. Agency Information

Title catchline:	Health and Human Services, Health Facility Licensing
Building:	Multi-Agency State Office Building
Street address:	195 N.1950 W.
City, state:	Salt Lake City, UT
Mailing address:	PO Box 141007
City, state and zip:	Salt Lake City, UT 84114-1007

2. Contact Persons

Name:	Phone:	Email:
Kamille Sheikh	385-227-1290	dlbcrules@utah.gov
Jada Stelmach	801-230-4296	dlbcrules@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov

Please address questions regarding information on this notice to the persons listed above.

3. General Information

A. Rule or section catchline:
R432-201. Intellectual Disabilities Facility: Supplement "A" to the Small Health Care Facility Rule
B. Purpose of the new rule or reason for the change:
The purpose of this amendment is to ensure compliance for the Office of Licensing (OL), under the Department of Health and Human Services (department), with HB 417 from the 2026 General Session. The filing also makes style and formatting changes to align with the Rulewriting Manual for Utah and other rules under the department. Additionally, the rule amendment clarifies language across multiple sections. HB 417 defines terms related to non-medical transportation and requires any health facility to allow a patient to use non-medical transportation under specific circumstances. This bill also enacts the review and approval process of health facility to consider a patient request for non-medical transportation through a written notice, the admissions and billing process for the health facility that receives the patient, and specific liability protections for the health care facility and health care providers from the originating health facility. This bill makes it necessary to add a requirement for non-medical transportation in this rule to align with these new requirements for any health care facility regulated by OL.
C. Summary of the new rule or change:
To support the implementation of legislation from the 2026 General Session, this amendment adds the requirement to allow a patient under certain circumstances to use non-medical transportation to another health care facility is added to Section R432-201-6. The filing clarifies language related to requirements throughout the rule. This filing updates the title catchline, combines the Authority and Purpose sections into one section, and adds a "Scope" section to include any applicable federal, state, or local law, rule, or ordinance the provider is required to comply with and removes those references throughout the rule. The rule amendment also makes style and formatting changes to align with the Rulewriting Manual for Utah and other rules under the department.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	HB 417 (General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A. State budget:

To support the implementation of HB 417 from the 2026 General Session that relates to this rule amendment, there is no anticipated fiscal impact as OL already regulates this type of health facility and the department notified providers about the new requirements related to implementation of HB 417 in April 2026.

The department added the new requirements for this type of regulated health facility related to the implementation of this legislative action to each applicable department inspection checklist, which will not result in any measurable cost or savings to the state budget.

Any costs associated with the implementation of HB 417 of the 2026 General Session have been captured in that bill's fiscal note, which can be viewed at <https://pf.utleg.gov/public-web/sessions/2026GS/fiscal-notes/HB0417.fn.pdf>.

The department does not anticipate any fiscal impact on the state budget as a result of the style and formatting changes and clarifying language changes included in this rule amendment.

B. Local governments:

To support the implementation of HB 417 from 2026 General Session, there is no anticipated impact on local governments' revenues or expenditures because these providers are regulated by OL and not local governments. There will be no change in local business licensing or any other item with which local government is involved. There are no fiscal impacts to local governments resulting from the changes in this rule content relating to this legislative action.

The department also does not anticipate any fiscal impact on local governments as a result of the style and formatting changes and additional clarifying language changes included in this rule amendment.

C. Small businesses ("small business" means a business employing 1-49 persons):

The implementation of HB 417 related to the rule amendment may result in a small compliance cost for small businesses operating this type of regulated health facility. HB 417 includes an additional requirement for these providers to allow for non-medical transportation under certain circumstances to another health facility. The aggregate anticipated cost for small businesses is not measurable at this time and will require OL to begin enforcing the new requirement during licensing reviews to understand the cost of implementation for this additional requirement. Furthermore, the department does not know the exact cost for each regulated facility to implement the additional non-medical transportation requirement of this rule from HB 417 but anticipates the cost will not be significant. Providers were notified in April 2026 about the requirement for non-medical transportation requests.

The department also does not anticipate any fiscal impact on small-businesses as a result of the style and formatting changes and additional clarifying language changes included in this rule amendment.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):

The implementation of HB 417 related to the rule amendment may result in a small compliance cost for non-small businesses operating this type of regulated health facility. HB 417 includes an additional requirement for these providers to allow for non-medical transportation under certain circumstances to another health facility. The aggregate anticipated cost for non-small businesses is not measurable at this time and will require OL to begin enforcing the new requirement during licensing reviews to understand the cost of implementation for this additional requirement. Furthermore, the department does not know the exact cost for each regulated facility to implement the additional non-medical transportation requirement of this rule from HB 417 but anticipates the cost will not be significant. Providers were notified in April 2026 about the requirement for non-medical transportation requests.

The department also does not anticipate any fiscal impact on non-small businesses as a result of the style and formatting changes and additional clarifying language changes included in this rule amendment.

E. Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The implementation of HB 417 related to the rule amendment may result in a small compliance cost for persons other than small businesses, non-small businesses, state, or local government entities operating this type of regulated health facility. HB 417 includes an additional requirement for these providers to allow for non-medical transportation under certain circumstances to another health facility. The aggregate anticipated cost for other persons is not measurable at this time and will require OL to begin enforcing the new requirement during licensing reviews to understand the cost of implementation for this additional requirement. Furthermore, the department does not know the exact cost for each regulated facility to implement the additional non-medical transportation requirement of this rule from HB 417 but anticipates the cost will not be significant. Providers were notified in April 2026 about the requirement for non-medical transportation requests.

The department also does not anticipate any fiscal impact on other persons as a result of the style and formatting changes and additional clarifying language changes included in this rule amendment.

F. Compliance costs for affected persons:

For implementation of HB 417, affected persons would be small and non-small businesses and persons other than small businesses, non-small businesses, state, or local government entities operating health facilities regulated by OL, under the department.

Providers who are affected persons must comply with the additional requirement for non-medical transportation outlined in HB 417. There may be a small compliance cost for regulated health facilities to implement the additional requirement, which includes allowing any patient who meets specific requirements in accordance with Section 26B-2-249 to use non-medical transport. The department anticipates any compliance cost will be minimal as these providers are already regulated by OL, although the department does not know the exact cost for each health facility to implement the additional requirements. Measuring any compliance cost for regulated health care facilities will require OL to begin enforcing this new requirement during licensing reviews.

Additionally, OL, as the regulatory body for health and safety standards for regulated health care facilities, is affected by the amendment. Any cost for rule and standard operating procedure updates has been identified and considered under the state budget in the fiscal note for HB 417 (2026 General Session). The department has notified providers about the additional requirement related to this legislative action and the department does not anticipate any compliance cost for OL.

The department also does not anticipate any compliance cost as a result of the style and formatting changes and additional clarifying language changes included in this rule amendment.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Non-Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Other Persons	inestimable	inestimable	inestimable	inestimable	inestimable
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Health and Human Services, Tracy S. Gruber, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation: ☒

B. Summary of reasonable alternatives or modifications:

If there is a negative impact, summarize considered alternatives here. (Subsection 63G-3-301(6)(b))

9. Citation Information

Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 26B-2-202	Section 26B-2-212	Section 26B-2-902

10. Incorporation by Reference Information

Incorporation by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B. This rule adds or updates the following title of material incorporated by reference (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.

A. Comments will be accepted until:

Click or tap to enter a date.

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
Click or tap to enter a date.		

To the agency: If more than one hearing is planned to take place, continue to add rows.

12. Effective Date Information

This rule change MAY become effective on:
(NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)

Click or tap to enter a date.

13. Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee and title:	Tracy S. Gruber, Commissioner	Date:	Click or tap to enter a date.
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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) Sections 26B-2-202 and 26B-2-212 authorize[s] this rule.[]

R432-201-2. Purpose.

(2) T[he purpose of t]his rule provides the additional health and safety standards for an Intellectual Disabilities Facility (IDF)[is to meet the legislative intent set out in Section 26B-2-212].

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

[4]-[Terms used in this rule are defined in Rule R432-1 and Rule R380-600 and Section 26B.[a] Additionally[defines terms that apply to this rule.];

[(2)-]"Q[QIDP" means a]ualified intellectual disability professional (QIDP)" means the same as outlined in 42 CFR 483.430 (2021).

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

(1) [The]Each licensee shall comply with any applicable federal, state, and local laws, r[egulations]ule, [and]or ordinance, including:[codes pertaining to health, safety, and sanitation.

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

(a) Rule R432-12[, Small Health Care Facility Construction];[]

(b) Rule R432-2, General Licensing Provisions;

[(e)b] Section 432-200-[7]4, Levels of Care;

[(d)c] Section R432-200-[9]7, Smoking Policy;[]

[(e)d] [the following] Section[s of Rule] R432-152-6, Facility Staffing;[;]

[(f)e] Section R432-152-9, Individual Program Plan;

[(f)f] Section R432-152-11, Human Rights Committee;

[(f)g] Section R432-152-12, Admissions, Transfers, and Discharges;

[(f)h] Section R432-152-13, Client Behavior and Facility Practices;

[(f)i] Section R432-152-14, Physician Services;

[(f)j] Section R432-152-15, Nursing Services;

[(f)k] Section R432-152-16, Dental Services;

[(f)l] Section R432-152-17, Pharmacy Services;

[(f)m] Section R432-152-18, Laboratory Services;

[(f)n] Section R432-152-19, Environment;

[(f)o] Section R432-152-20, Emergency Plan and Procedures;

[(f)p] Section R432-152-2[4]7, Client Records;[and

(xiii)f] R432-152-6, Facility Staffing; and[]

(f) the following sections of Rule R432-150:

[(f)q] Section R432-150-[20,]19, Pets [in Long Term Care Facilities]Policy;

[(f)r] Section R432-150-2[5,]4, Housekeeping Services;

[(f)s] Section R432-150-2[6,]5, Laundry Services;

[(f)t] Section R432-150-2[7,]6, Maintenance Services; and

[(f)u] Section R432-150-2[3,]2, 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;

(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]in accordance with 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-[40]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]7.

(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.

R432-201-6. Client Interfacility Transportation.

(1) The licensee shall allow a client to use non-medical transportation for an interfacility transfer if the requirements in Subsection 26B-2-249(2) are met.

(2)(a) A client may request the licensee to determine if the client is eligible for a non-medical transport for an interfacility transfer.

(b) For any request from a client to use non-medical transportation for an interfacility transfer, the licensee shall provide a written notice to the client addressing each item in Subsection 26B-2-249(4).

(3)(a) If a client arrives at the receiving facility within adequate time, the receiving facility may not charge the insurance or health benefit plan of the client for any admission or readmission cost, except as provided in (3)(b).

(b) The receiving center may charge the insurance or health benefit plan of the client if upon arrival, the medical staff document a change in the medical condition or mental condition of the client

(4) A receiving facility shall hold and reserve the specific bed offered to the client upon discharge from the originating facility if the client arrives within adequate time.

(5) To ensure compliance with Subsection 26B-2-249(6), the originating facility shall document the following in the medical record of the client prior to discharge:

(a) formal clinical assessment of the medical or mental condition of the client is stable and does not require ambulance or medically supervised transportation;

(b) the specific type of non-medical transportation that will be used to transport the client; and

(c) the expected arrival window communicated to the receiving facility.

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

(1) Subsection R432-150-[8]7(2)(g)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
 - (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;

(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.

Any person who violates this rule may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

~~[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.]~~

KEY: health care facilities

Date of Last Change: ~~October 26, 2023~~ 2026

Notice of Continuation: January 24, 2022

Authorizing, and Implemented or Interpreted Law: 26B-2-202; 26B-2-902