

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:	R432-725
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:
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Please address questions regarding information on this notice to the persons listed above.

3. General Information

A. Rule or section catchline:
R432-725. Personal Care Licensee 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 client to use non-medical transportation under specific circumstances. This bill also enacts the review and approval process of health facility to consider a client request for non-medical transportation through a written notice, the admissions and billing process for the health facility that receives the client, 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 client under certain circumstances to use non-medical transportation to another health care facility is added as a new section to Section R432-725-14. 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 filing also updates the "Penalties" section with the correct rule and statute references for enforcement of any possible penalty. 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 client 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-2-902	

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.

R432. Health and Human Services, Health, ~~Family Health and Preparedness,~~ Facility Licensing.

R432-725. Personal Care Agency Rule.

R432-725-1. Authority.

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

R432-725-2. and Purpose.

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

(2) ~~[The purpose of this rule is to promote the public health and welfare through the establishment and enforcement of licensure standards.]~~ This rule sets standards for the operation of personal care agencies.

R432-725-3. Compliance.

~~(1) A Personal Care Agency shall not exceed personal care services as defined in R432-725-4(2)(c).~~

~~(2) A Transportation Services Agency does not require a Personal Care Agency license.~~

]

R432-725-~~4~~2. Definitions.

Terms used in this rule are defined in Rule R432-1, Section 26B-2-201, and Section 26B-2-249. Additionally:

~~(1) [The terms used in these rules are defined in R432-1-3.~~

~~(2) In addition:~~

~~(a)~~ "Licensed health care professional" means a registered nurse, physician assistant, advanced practice registered nurse, or physician licensed by the Utah Department of Commerce who has education and experience to assess and evaluate the health care needs of the client.

~~(b)~~ ~~[A-]~~ "Personal Care Agency" consists of two or more individuals providing personal care services on a visiting basis.

~~(c)~~ ~~[3]~~ ~~(a)~~ ~~[P]~~ "personal ~~[C]~~care ~~[S]~~services" means any service provided to assist an individual with activities of daily living or other tasks which do not require the direct intervention or supervision of a licensed healthcare professional.

~~(b)~~ These tasks may include those health care services which may be performed by an unlicensed individual without delegation by a health care provider Section 58-1-307.1 and Subsection R156-31b-701a(1).

~~(d)~~ ~~[c]~~ "Service ~~[A]~~agreement" means a written agreement for services between the client and the personal care provider that outlines how the services are to be provided.

~~(e)~~ ~~[d]~~ "Transportation Services Agency" means an agency that provides transportation and does not provide any ~~[P]~~personal ~~[C]~~care ~~[S]~~services.

R432-725-3. Scope.

(1) Each licensee shall comply with any applicable federal, state, or local law, rule, or ordinance, including:

(a) Rule R432-1; and

(b) this rule.

(2) A Personal Care Agency shall not exceed personal care services as defined in R432-725-2(3)(a).

(3) A Transportation Services Agency does not require a Personal Care Agency license.

R432-725-~~5~~4. Administrator.

(1) The licensee shall appoint by name and in writing a qualified administrator who is responsible for the ~~[agency]~~licensee's overall functions.

(2) The administrator shall be at least 21 years of age and have at least one year of managerial or supervisory experience.

~~(3)~~ ~~(a)~~ The administrator shall designate in writing a qualified person who is at least 21 years of age and who shall act in his absence.

~~(b)~~ The designee shall have sufficient power, authority, and freedom to act in the best interests of the client safety and well being.

(4) The administrator or designee shall be available during the ~~[agency]~~licensee's hours of operation.

R432-725-~~6~~5. Personnel.

(1) The ~~[agency]~~licensee shall maintain documentation for each employee required to be licensed or certified.

~~(2)~~ ~~(a)~~ ~~[Copies]~~ Documentation shall be maintained for ~~[D]~~department review that staff have a current license, certificate, or registration.

~~(b)~~ New employees shall have 45 days to present the original document.

(3) The ~~[agency]~~licensee shall ensure each employee maintains a minimum of six hours of in-service per calendar year, prorated for the first year of employment.

(4) An annual in-service shall be documented that staff have been trained in the reporting requirements for suspected abuse, neglect and exploitation.

R432-725-~~7~~6. Health Surveillance.

(1) The ~~[agency]~~licensee shall establish and implement a policy and procedure for health screening of all ~~[agency]~~licensee health care workers ~~[(persons)]~~with direct client contact~~[(s)]~~ to identify any situation which would prevent the employee from performing assigned duties in a satisfactory manner.

(2) Employee health screening and immunization components of personnel health programs shall be developed in accordance with Rule R386-

702[~~Communicable Disease Rules~~].

(3)(a) Employee skin testing by the Mantoux method or other FDA approved in-vitro serologic test and follow up for tuberculosis shall be done in accordance with Rule R388-804[~~Special Measures for the Control of Tuberculosis~~].

(~~a~~b) The licensee shall ensure that all employees are skin-tested for tuberculosis within two weeks of:

- (i) initial hiring;
- (ii) suspected exposure to a person with active tuberculosis; and
- (iii) development of symptoms of tuberculosis.

(~~b~~c) Skin testing shall be exempted for all employees with known positive reaction to skin tests.

(4) All infections and communicable diseases reportable by law shall be reported by the facility to the local health department in accordance with R386-702-2.

R432-725-~~8~~7. Orientation.

(1) There shall be documentation that all employees are oriented to the [agency]licensee and the job for which they are hired.

(2) Orientation shall include but is not limited to:

- (a) [~~J~~]job descriptions/duties;
- (b) [~~E~~]ethics, confidentiality, and clients' rights; and
- (c) [~~R~~]reporting requirements for suspected abuse, neglect or exploitation.

R432-725-~~9~~8. Admission and Retention.

(1) The [agency]licensee may accept and retain clients for service if the client's needs do not exceed the level of personal care services as determined and documented by a licensed health care professional.

(2) If the client's needs exceed the personal care services, the [agency]licensee shall make a referral to a licensed health care professional or an appropriate alternative service.

R432-725-~~10~~9. Service Agreement.

(1)(a) The [agency]licensee shall obtain a signed and dated service agreement from the client and(~~or his~~) the client's responsible party.

(b) The service agreement shall include the following:

- (~~a~~i) [~~A~~]a description of services to be performed by the [~~P~~]personal [~~C~~]are [~~A~~]aide;
- (~~b~~ii) [~~C~~]charges for the services; and
- (~~e~~iii) [~~A~~]a statement that a 30-day notice shall be given prior to a change in base charges.

R432-725-1~~4~~0. Termination of Services Policies.

(~~4~~)The [agency]licensee may discharge a client under any of the following circumstances:

- (~~a~~1) [~~P~~]payment for services cannot be met;
- (~~b~~2) [~~F~~]the safety of the client or provider cannot be assured;
- (~~e~~3) [~~F~~]the needs of the client exceed the level of care provided by the [agency]licensee;
- (~~d~~4) [~~F~~]the client requests termination of services; or
- (~~e~~5) [~~F~~]the [agency]licensee discontinues services.

R432-725-1~~2~~1. Clients' Rights.

(1) Written clients' rights shall be established and made available to the client, guardian, next of kin, sponsoring [agency]licensee, representative payee, and the public.

(2) [Agency]Licensee policy may determine how clients' rights information is distributed.

(3) The [agency]licensee shall insure that each client receiving services has the following rights:

- (a) [~~F~~]to be fully informed of these rights and all rules governing client conduct, as evidenced by documentation in the clinical record;
- (b) [~~F~~]to be fully informed of services and related charges for which the client or a private insurer may be responsible, and to be informed of all changes in charges;
- (c) [~~F~~]to be free of mental abuse, physical abuse and/or exploitation;
- (d) [~~F~~]to be afforded the opportunity to participate in the planning of personal care services, including referral to health care institutions or other agencies, and to refuse to participate in experimental research;
- (e) [~~F~~]to be assured confidential treatment of personal records, and to approve or refuse their release to any individual outside the [agency]licensee, except in the case of transfer to another [agency]licensee or health facility, or as required by law or third-party payment contract;
- (f) [~~F~~]to be treated with consideration, respect, and full recognition of dignity and individuality, including privacy in treatment and in care for personal needs;
- (g) [~~F~~]to be assured that personnel who provide care demonstrate competency through education and experience to carry out the services for which they are responsible;
- (h) [~~F~~]to receive proper identification from the individual providing personal care services; and
- (i) [~~F~~]to receive information concerning the procedures to follow to voice complaints about services being performed.

R432-725-1~~3~~2. Personal Care Agency Licensee Records.

(1)(a) The Personal Care Agency shall maintain accurate and complete records.

(b) Records shall be filed, stored safely, and be easily accessible to staff and the [~~D~~]department.

(2) Records shall be protected against access by unauthorized individuals.

(3) The Personal Care Agency shall maintain a separate record for each [~~C~~]client which shall be retained by the [agency]licensee for three years

following the last date of service.

(4) The ~~[C]~~client record shall contain the following:

(a) ~~[C]~~client's name, date of birth and address;

(b) ~~[C]~~client service agreement;

(c) ~~[N]~~name, address, and telephone number of the individual to be notified in case of accident, emergency or death;

(d) ~~[D]~~documentation of date and reason for the termination of services.

(5)(a) The Personal Care Agency shall maintain personnel records for each employee and shall retain such records for at least three years following termination of employment.

(b) Personnel records must include the following:

(~~[a]~~i) employee application;

(~~[b]~~ii) date of employment;

(~~[e]~~iii) termination date;

(~~[d]~~iv) reason for leaving;

(~~[e]~~v) documentation of first aid training;

(~~[f]~~vi) health inventory;

(~~[g]~~vii) TB skin test documentation; and

(~~[h]~~viii) documentation of criminal background screening authorization.

R432-725-1[4]3. Personal Care Aides.

(1) Personal care aides shall be at least 18 years of age and ~~[must]~~shall:

(a) ~~[H]~~have knowledge of ~~[agency]~~licensee policy and procedures;

(b) ~~[B]~~be trained in first aid;

(c) ~~[B]~~be able to demonstrate competency in all areas of training for personal care.

(2) Personal ~~[C]~~care ~~[A]~~aides shall be supervised by an individual with the following qualifications:

(a) ~~[A]~~a licensed nurse; or

(b) ~~[A]~~a Certified Nursing Aide with at least two years experience in personal or home care.

(3) The supervisor shall complete an on-site evaluation of the personal care aide and document the quality of the personal care services provided in the client's place of residence every six months.

(4) Personal ~~[C]~~care ~~[A]~~aides shall document observations and services in the individual client record.

R432-725-14. 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 before 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.

R432-725-15. Penalties.

Any person who violates any provision of this rule may be subject to the penalties ~~[enumerated in 26-21-11 and R432-3-6 and be punished for violation of a class A misdemeanor as provided in 26-21-16]~~in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

KEY: health care facilities

Date of Last Change: ~~[August 12, 2021]~~2026

Notice of Continuation: August 6, 2026

Authorizing, and Implemented or Interpreted Law: ~~[26-24]~~26B-2-202; 26B-2-902