

Senator Jacob L. Anderegg proposes the following substitute bill:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill implements the reorganization of the Department of Health and Human Services.

Highlighted Provisions:

This bill:

- ▶ implements the reorganization of the Department of Health and Human Services;
- ▶ specifies the duties and responsibilities of the newly combined agency;
- ▶ harmonizes conflicting provisions of the Utah Health Code and the Utah Human Services Code;
- ▶ amends the responsibilities of the Department of Workforce Services; and
- ▶ makes technical and corresponding changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



- 26 **26-1-2**, as last amended by Laws of Utah 2012, Chapter 391
- 27 **26-8a-310**, as last amended by Laws of Utah 2021, Chapters 237 and 262
- 28 **26-18-2.4**, as last amended by Laws of Utah 2016, Chapters 168 and 279
- 29 **26-54-103**, as last amended by Laws of Utah 2019, Chapter 405
- 30 **26A-1-102**, as last amended by Laws of Utah 2021, Chapter 437
- 31 **26A-1-121**, as last amended by Laws of Utah 2021, Chapter 437
- 32 **26B-1-102**, as enacted by Laws of Utah 2021, Chapter 422
- 33 **26B-1-103**, as enacted by Laws of Utah 2021, Chapter 422
- 34 **26B-1-201**, as enacted by Laws of Utah 2021, Chapter 422
- 35 **26B-1-201.1**, as enacted by Laws of Utah 2021, Chapter 422
- 36 **35A-3-103 (Effective 07/01/22)**, as last amended by Laws of Utah 2021, Chapter 422
- 37 **62A-1-104**, as last amended by Laws of Utah 2020, Chapter 303
- 38 **62A-15-102**, as last amended by Laws of Utah 2020, Chapter 303
- 39 **62A-15-103**, as last amended by Laws of Utah 2021, Chapters 231 and 277
- 40 **62A-15-104**, as last amended by Laws of Utah 2009, Chapter 75
- 41 **63I-2-226**, as last amended by Laws of Utah 2021, Chapters 277, 422, and 433

42 ENACTS:

- 43 **26B-1-305**, Utah Code Annotated 1953
- 44 **26B-2-101**, Utah Code Annotated 1953
- 45 **26B-3-101**, Utah Code Annotated 1953
- 46 **26B-4-101**, Utah Code Annotated 1953
- 47 **26B-5-101**, Utah Code Annotated 1953
- 48 **26B-6-101**, Utah Code Annotated 1953
- 49 **26B-7-101**, Utah Code Annotated 1953
- 50 **26B-8-101**, Utah Code Annotated 1953
- 51 **26B-9-101**, Utah Code Annotated 1953

52 RENUMBERS AND AMENDS:

- 53 **26B-1-104**, (Renumbered from 26-1-32, as last amended by Laws of Utah 2011,
- 54 Chapter 297)
- 55 **26B-1-105**, (Renumbered from 26-1-33, as enacted by Laws of Utah 1981, Chapter
- 56 126)

- 57 **26B-1-202**, (Renumbered from 62A-1-111, as last amended by Laws of Utah 2021,
58 Chapters 22 and 262)
- 59 **26B-1-203**, (Renumbered from 62A-1-108, as last amended by Laws of Utah 2020,
60 Chapter 352)
- 61 **26B-1-204**, (Renumbered from 62A-1-105, as last amended by Laws of Utah 2019,
62 Chapters 139 and 246)
- 63 **26B-1-205**, (Renumbered from 62A-1-109, as last amended by Laws of Utah 2021,
64 Chapter 345)
- 65 **26B-1-206**, (Renumbered from 62A-1-107.5, as enacted by Laws of Utah 2003,
66 Chapter 246)
- 67 **26B-1-207**, (Renumbered from 26-1-4, as last amended by Laws of Utah 2013, Chapter
68 167)
- 69 **26B-1-208**, (Renumbered from 62A-1-112, as last amended by Laws of Utah 2008,
70 Chapter 382)
- 71 **26B-1-209**, (Renumbered from 26-1-6, as last amended by Laws of Utah 2018, Chapter
72 469)
- 73 **26B-1-210**, (Renumbered from 62A-1-113, as enacted by Laws of Utah 1988, Chapter
74 1)
- 75 **26B-1-211**, (Renumbered from 26-1-17.1, as enacted by Laws of Utah 2018, Chapter
76 427)
- 77 **26B-1-212**, (Renumbered from 26-1-17.5, as last amended by Laws of Utah 2018,
78 Chapter 415)
- 79 **26B-1-213**, (Renumbered from 26-1-5, as last amended by Laws of Utah 2016, Chapter
80 74)
- 81 **26B-1-301**, (Renumbered from 26-1-16, as enacted by Laws of Utah 1981, Chapter
82 126)
- 83 **26B-1-302**, (Renumbered from 62A-1-202, as last amended by Laws of Utah 2021,
84 Chapter 356)
- 85 **26B-1-303**, (Renumbered from 62A-1-119, as last amended by Laws of Utah 2016,
86 Chapter 168)
- 87 **26B-1-304**, (Renumbered from 26-1-34, as enacted by Laws of Utah 1998, Chapter

88 247)

89 REPEALS:

90 **26-1-1**, as enacted by Laws of Utah 1981, Chapter 126

91 **26-1-3**, as last amended by Laws of Utah 1991, Chapter 112

92 **26-1-4.1**, as last amended by Laws of Utah 2008, Chapter 382

93 **26-1-7**, as last amended by Laws of Utah 2020, Chapters 169 and 347

94 **26-1-7.1**, as last amended by Laws of Utah 2008, Chapter 382

95 **26-1-8**, as last amended by Laws of Utah 2020, Chapter 352

96 **26-1-9**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 16

97 **26-1-13**, as enacted by Laws of Utah 1981, Chapter 126

98 **26-1-14**, as last amended by Laws of Utah 1988, Chapter 169

99 **26-1-15**, as enacted by Laws of Utah 1981, Chapter 126

100 **26-1-17**, as enacted by Laws of Utah 1981, Chapter 126

101 **26-1-18**, as last amended by Laws of Utah 2011, Chapter 366

102 **26-1-20**, as enacted by Laws of Utah 1981, Chapter 126

103 **26-1-21**, as last amended by Laws of Utah 2011, Chapter 207

104 **26-1-22**, as enacted by Laws of Utah 1981, Chapter 126

105 **26-1-23**, as last amended by Laws of Utah 2012, Chapter 307

106 **26-1-24**, as enacted by Laws of Utah 1981, Chapter 126

107 **26-1-25**, as last amended by Laws of Utah 2011, Chapter 297

108 **26-1-30**, as last amended by Laws of Utah 2021, Chapters 378 and 437

109 **26B-1-101**, as enacted by Laws of Utah 2021, Chapter 422

110 **62A-1-101**, as last amended by Laws of Utah 1992, Chapter 30

111 **62A-1-102**, as last amended by Laws of Utah 1990, Chapter 183

112 **62A-1-106**, as last amended by Laws of Utah 2008, Chapter 382

113 **62A-1-110**, as last amended by Laws of Utah 1991, Chapter 292

114 **62A-1-114**, as last amended by Laws of Utah 1997, Chapter 375

115 **62A-1-118**, as last amended by Laws of Utah 2019, Chapter 335

116 **62A-5-304**, as last amended by Laws of Utah 2011, Chapter 366

118 *Be it enacted by the Legislature of the state of Utah:*

119 Section 1. Section **26-1-2** is amended to read:

120 **26-1-2. Definitions.**

121 [~~Subject to additional definitions contained in the chapters of this title which are~~
122 ~~applicable to specific chapters, as] As used in this title:~~

123 (1) "Council" means the Utah Health Advisory Council.

124 (2) "Department" means the Department of Health and Human Services created in
125 Section [~~26-1-4~~] 26B-1-201.

126 (3) "Executive director" means the executive director of the department appointed
127 [~~pursuant to Section 26-1-8~~] under Section 26B-1-203.

128 (4) "Public health authority" means an agency or authority of the United States, a state,
129 a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting under
130 a grant of authority from or contract with such an agency, that is responsible for public health
131 matters as part of its official mandate.

132 Section 2. Section **26-8a-310** is amended to read:

133 **26-8a-310. Background clearance for emergency medical service personnel.**

134 (1) Subject to Section 26-8a-310.5, the department shall determine whether to grant
135 background clearance for an individual seeking licensure or certification under Section
136 26-8a-302 from whom the department receives:

137 (a) the individual's social security number, fingerprints, and other personal
138 identification information specified by the department under Subsection (4); and

139 (b) any fees established by the department under Subsection (10).

140 (2) The department shall determine whether to deny or revoke background clearance
141 for individuals for whom the department has previously granted background clearance.

142 (3) The department shall determine whether to grant, deny, or revoke background
143 clearance for an individual based on an initial and ongoing evaluation of information the
144 department obtains under Subsections (5) and (11), which, at a minimum, shall include an
145 initial criminal background check of state, regional, and national databases using the
146 individual's fingerprints.

147 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
148 Administrative Rulemaking Act, that specify:

149 (a) the criteria the department will use under Subsection (3) to determine whether to

150 grant, deny, or revoke background clearance; and

151 (b) the other personal identification information an individual seeking licensure or
152 certification under Section 26-8a-302 must submit under Subsection (1).

153 (5) To determine whether to grant, deny, or revoke background clearance, the
154 department may access and evaluate any of the following:

155 (a) Department of Public Safety arrest, conviction, and disposition records described in
156 Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including
157 information in state, regional, and national records files;

158 (b) adjudications by a juvenile court of committing an act that if committed by an adult
159 would be a felony or misdemeanor, if:

160 (i) the applicant is under 28 years old; or

161 (ii) the applicant:

162 (A) is over 28 years old; and

163 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
164 abeyance or diversion agreement for a felony or misdemeanor;

165 (c) juvenile court arrest, adjudication, and disposition records, other than those under
166 Subsection (5)(b), as allowed under Section 78A-6-209;

167 (d) child abuse or neglect findings described in Section 80-3-404;

168 (e) the [~~Department of Human Services' Division of Child and Family Services~~]
169 department's Licensing Information System described in Section 62A-4a-1006;

170 (f) the [~~Department of Human Services' Division of Aging and Adult Services~~]
171 department's database of reports of vulnerable adult abuse, neglect, or exploitation, described
172 in Section 62A-3-311.1;

173 (g) Division of Occupational and Professional Licensing records of licensing and
174 certification under Title 58, Occupations and Professions;

175 (h) records in other federal criminal background databases available to the state; and

176 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,
177 pending diversion agreements, or dispositions.

178 (6) Except for the Department of Public Safety, an agency may not charge the
179 department for information accessed under Subsection (5).

180 (7) When evaluating information under Subsection (3), the department shall classify a

181 crime committed in another state according to the closest matching crime under Utah law,
182 regardless of how the crime is classified in the state where the crime was committed.

183 (8) The department shall adopt measures to protect the security of information the
184 department accesses under Subsection (5), which shall include limiting access by department
185 employees to those responsible for acquiring, evaluating, or otherwise processing the
186 information.

187 (9) The department may disclose personal identification information the department
188 receives under Subsection (1) to the [~~Department of Human Services~~] department to verify that
189 the subject of the information is not identified as a perpetrator or offender in the information
190 sources described in Subsections (5)(d) through (f).

191 (10) The department may charge fees, in accordance with Section 63J-1-504, to pay
192 for:

193 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
194 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
195 background clearance; and

196 (b) other department costs related to granting, denying, or revoking background
197 clearance.

198 (11) The Criminal Investigations and Technical Services Division within the
199 Department of Public Safety shall:

200 (a) retain, separate from other division records, personal information under Subsection
201 (1), including any fingerprints sent to it by the [~~Department of Health~~] department; and

202 (b) notify the [~~Department of Health~~] department upon receiving notice that an
203 individual for whom personal information has been retained is the subject of:

204 (i) a warrant for arrest;

205 (ii) an arrest;

206 (iii) a conviction, including a plea in abeyance; or

207 (iv) a pending diversion agreement.

208 (12) The department shall use the Direct Access Clearance System database created
209 under Section 26-21-209 to manage information about the background clearance status of each
210 individual for whom the department is required to make a determination under Subsection (1).

211 (13) Clearance granted for an individual licensed or certified under Section 26-8a-302

212 is valid until two years after the day on which the individual is no longer licensed or certified in
213 Utah as emergency medical service personnel.

214 Section 3. Section 26-18-2.4 is amended to read:

215 **26-18-2.4. Medicaid drug program -- Preferred drug list.**

216 (1) A Medicaid drug program developed by the department under Subsection
217 26-18-2.3(2)(f):

218 (a) shall, notwithstanding Subsection 26-18-2.3(1)(b), be based on clinical and
219 cost-related factors which include medical necessity as determined by a provider in accordance
220 with administrative rules established by the Drug Utilization Review Board;

221 (b) may include therapeutic categories of drugs that may be exempted from the drug
222 program;

223 (c) may include placing some drugs, except the drugs described in Subsection (2), on a
224 preferred drug list:

225 (i) to the extent determined appropriate by the department; and

226 (ii) in the manner described in Subsection (3) for psychotropic drugs;

227 (d) notwithstanding the requirements of Part 2, Drug Utilization Review Board, and
228 except as provided in Subsection (3), shall immediately implement the prior authorization
229 requirements for a nonpreferred drug that is in the same therapeutic class as a drug that is:

230 (i) on the preferred drug list on the date that this act takes effect; or

231 (ii) added to the preferred drug list after this act takes effect; and

232 (e) except as prohibited by Subsections 58-17b-606(4) and (5), shall establish the prior
233 authorization requirements established under Subsections (1)(c) and (d) which shall permit a
234 health care provider or the health care provider's agent to obtain a prior authorization override
235 of the preferred drug list through the department's pharmacy prior authorization review process,
236 and which shall:

237 (i) provide either telephone or fax approval or denial of the request within 24 hours of
238 the receipt of a request that is submitted during normal business hours of Monday through
239 Friday from 8 a.m. to 5 p.m.;

240 (ii) provide for the dispensing of a limited supply of a requested drug as determined
241 appropriate by the department in an emergency situation, if the request for an override is
242 received outside of the department's normal business hours; and

243 (iii) require the health care provider to provide the department with documentation of
244 the medical need for the preferred drug list override in accordance with criteria established by
245 the department in consultation with the Pharmacy and Therapeutics Committee.

246 (2) (a) For purposes of this Subsection (2):

247 (i) "Immunosuppressive drug":

248 (A) means a drug that is used in immunosuppressive therapy to inhibit or prevent
249 activity of the immune system to aid the body in preventing the rejection of transplanted organs
250 and tissue; and

251 (B) does not include drugs used for the treatment of autoimmune disease or diseases
252 that are most likely of autoimmune origin.

253 (ii) "Stabilized" means a health care provider has documented in the patient's medical
254 chart that a patient has achieved a stable or steadfast medical state within the past 90 days using
255 a particular psychotropic drug.

256 (b) A preferred drug list developed under the provisions of this section may not include
257 an immunosuppressive drug.

258 (c) The state Medicaid program shall reimburse for a prescription for an
259 immunosuppressive drug as written by the health care provider for a patient who has undergone
260 an organ transplant. For purposes of Subsection 58-17b-606(4), and with respect to patients
261 who have undergone an organ transplant, the prescription for a particular immunosuppressive
262 drug as written by a health care provider meets the criteria of demonstrating to the Department
263 of Health a medical necessity for dispensing the prescribed immunosuppressive drug.

264 (d) Notwithstanding the requirements of Part 2, Drug Utilization Review Board, the
265 state Medicaid drug program may not require the use of step therapy for immunosuppressive
266 drugs without the written or oral consent of the health care provider and the patient.

267 (e) The department may include a sedative hypnotic on a preferred drug list in
268 accordance with Subsection (2)(f).

269 (f) The department shall grant a prior authorization for a sedative hypnotic that is not
270 on the preferred drug list under Subsection (2)(e), if the health care provider has documentation
271 related to one of the following conditions for the Medicaid client:

272 (i) a trial and failure of at least one preferred agent in the drug class, including the
273 name of the preferred drug that was tried, the length of therapy, and the reason for the

274 discontinuation;

275 (ii) detailed evidence of a potential drug interaction between current medication and
276 the preferred drug;

277 (iii) detailed evidence of a condition or contraindication that prevents the use of the
278 preferred drug;

279 (iv) objective clinical evidence that a patient is at high risk of adverse events due to a
280 therapeutic interchange with a preferred drug;

281 (v) the patient is a new or previous Medicaid client with an existing diagnosis
282 previously stabilized with a nonpreferred drug; or

283 (vi) other valid reasons as determined by the department.

284 (g) A prior authorization granted under Subsection (2)(f) is valid for one year from the
285 date the department grants the prior authorization and shall be renewed in accordance with
286 Subsection (2)(f).

287 (3) (a) For purposes of this Subsection (3), "psychotropic drug" means the following
288 classes of drugs:

289 (i) atypical anti-psychotic;

290 (ii) anti-depressant;

291 (iii) anti-convulsant/mood stabilizer;

292 (iv) anti-anxiety; and

293 (v) attention deficit hyperactivity disorder stimulant.

294 (b) The department shall develop a preferred drug list for psychotropic drugs. Except
295 as provided in Subsection (3)(d), a preferred drug list for psychotropic drugs developed under
296 this section shall allow a health care provider to override the preferred drug list by writing
297 "dispense as written" on the prescription for the psychotropic drug. A health care provider may
298 not override Section 58-17b-606 by writing "dispense as written" on a prescription.

299 (c) The department, and a Medicaid accountable care organization that is responsible
300 for providing behavioral health, shall:

301 (i) establish a system to:

302 (A) track health care provider prescribing patterns for psychotropic drugs;

303 (B) educate health care providers who are not complying with the preferred drug list;

304 and

- 305 (C) implement peer to peer education for health care providers whose prescribing
306 practices continue to not comply with the preferred drug list; and
307 (ii) determine whether health care provider compliance with the preferred drug list is at
308 least:
- 309 (A) 55% of prescriptions by July 1, 2017;
 - 310 (B) 65% of prescriptions by July 1, 2018; and
 - 311 (C) 75% of prescriptions by July 1, 2019.
- 312 (d) Beginning October 1, 2019, the department shall eliminate the dispense as written
313 override for the preferred drug list, and shall implement a prior authorization system for
314 psychotropic drugs, in accordance with Subsection (2)(f), if by July 1, 2019, the department has
315 not realized annual savings from implementing the preferred drug list for psychotropic drugs of
316 at least \$750,000 General Fund savings.

317 ~~[(e) The department shall report to the Health and Human Services Interim Committee~~
318 ~~and the Social Services Appropriations Subcommittee before November 30, 2016, and before~~
319 ~~each November 30 thereafter regarding compliance with and savings from implementation of~~
320 ~~this Subsection (3).]~~

321 Section 4. Section **26-54-103** is amended to read:

322 **26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric**
323 **Neuro-Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms --**
324 **Duties.**

- 325 (1) There is created a Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric
326 Neuro-Rehabilitation Fund Advisory Committee.
- 327 (2) The advisory committee shall be composed of 11 members as follows:
- 328 (a) the executive director, or the executive director's designee;
 - 329 (b) two survivors, or family members of a survivor, of a traumatic brain injury
330 appointed by the governor;
 - 331 (c) two survivors, or family members of a survivor, of a traumatic spinal cord injury
332 appointed by the governor;
 - 333 (d) one traumatic brain injury or spinal cord injury professional appointed by the
334 governor who, at the time of appointment and throughout the professional's term on the
335 committee, does not receive a financial benefit from the fund;

336 (e) two parents of a child with a nonprogressive neurological condition appointed by
337 the governor;

338 (f) (i) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy
339 Practice Act, with experience treating brain and spinal cord injuries, appointed by the governor;
340 or

341 (ii) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
342 Therapy Practice Act, with experience treating brain and spinal cord injuries, appointed by the
343 governor;

344 (g) a member of the House of Representatives appointed by the speaker of the House of
345 Representatives; and

346 (h) a member of the Senate appointed by the president of the Senate.

347 (3) (a) The term of advisory committee members shall be four years. If a vacancy
348 occurs in the committee membership for any reason, a replacement shall be appointed for the
349 unexpired term in the same manner as the original appointment.

350 (b) The committee shall elect a chairperson from the membership.

351 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
352 is present at an open meeting, the action of the majority of members shall be the action of the
353 advisory committee.

354 (d) The terms of the advisory committee shall be staggered so that members appointed
355 under Subsections (2)(b), (d), and (f) shall serve an initial two-year term and members
356 appointed under Subsections (2)(c), (e), and (g) shall serve four-year terms. Thereafter,
357 members appointed to the advisory committee shall serve four-year terms.

358 (4) The advisory committee shall comply with the procedures and requirements of:

359 (a) Title 52, Chapter 4, Open and Public Meetings Act;

360 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and

361 (c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

362 (5) (a) A member who is not a legislator may not receive compensation or benefits for
363 the member's service, but, at the executive director's discretion, may receive per diem and
364 travel expenses as allowed in:

365 (i) Section [63A-3-106](#);

366 (ii) Section [63A-3-107](#); and

367 (iii) rules adopted by the Division of Finance according to Sections 63A-3-106 and
368 63A-3-107.

369 (b) Compensation and expenses of a member who is a legislator are governed by
370 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

371 (6) The advisory committee shall:

372 (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah
373 Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee
374 to follow in recommending distribution of money from the fund to assist qualified IRC
375 501(c)(3) charitable clinics, as defined in Sections 26-54-102 and 26-54-102.5;

376 (b) identify, evaluate, and review the quality of care available to:

377 (i) individuals with spinal cord and brain injuries through qualified IRC 501(c)(3)
378 charitable clinics, as defined in Section 26-54-102; or

379 (ii) children with nonprogressive neurological conditions through qualified IRC
380 501(c)(3) charitable clinics, as defined in Section 26-54-102.5; and

381 (c) explore, evaluate, and review other possible funding sources and make a
382 recommendation to the Legislature regarding sources that would provide adequate funding for
383 the advisory committee to accomplish its responsibilities under this section[; and].

384 [~~(d) submit an annual report, not later than November 30 of each year, summarizing the~~
385 ~~activities of the advisory committee and making recommendations regarding the ongoing needs~~
386 ~~of individuals with spinal cord or brain injuries and children with nonprogressive neurological~~
387 ~~conditions to:]~~

388 [~~(i) the governor;]~~

389 [~~(ii) the Health and Human Services Interim Committee; and]~~

390 [~~(iii) the Social Services Appropriations Subcommittee.]~~

391 (7) Operating expenses for the advisory committee, including the committee's staff,
392 shall be paid for only with money from:

393 (a) the Spinal Cord and Brain Injury Rehabilitation Fund;

394 (b) the Pediatric Neuro-Rehabilitation Fund; or

395 (c) both funds.

396 Section 5. Section 26A-1-102 is amended to read:

397 **26A-1-102. Definitions.**

398 As used in this part:

399 (1) "Board" means a local board of health established under Section [26A-1-109](#).

400 (2) "County governing body" means one of the types of county government provided
401 for in Title 17, Chapter 52a, Part 2, Forms of County Government.

402 (3) "County health department" means a local health department that serves a county
403 and municipalities located within that county.

404 (4) "Department" means the Department of Health and Human Services created in
405 [~~Title 26, Chapter 1, Department of Health Organization~~] [Section 26B-1-201](#).

406 (5) "Local health department" means:

407 (a) a single county local health department;

408 (b) a multicounty local health department;

409 (c) a united local health department; or

410 (d) a multicounty united local health department.

411 (6) "Mental health authority" means a local mental health authority created in Section
412 [17-43-301](#).

413 (7) "Multicounty local health department" means a local health department that is
414 formed under Section [26A-1-105](#) and that serves two or more contiguous counties and
415 municipalities within those counties.

416 (8) "Multicounty united local health department" means a united local health
417 department that is formed under Section [26A-1-105.5](#) and that serves two or more contiguous
418 counties and municipalities within those counties.

419 (9) (a) "Order of constraint" means an order, rule, or regulation issued by a local health
420 department in response to a declared public health emergency under this chapter that:

421 (i) applies to all or substantially all:

422 (A) individuals or a certain group of individuals; or

423 (B) public places or certain types of public places; and

424 (ii) for the protection of the public health and in response to the declared public health
425 emergency:

426 (A) establishes, maintains, or enforces isolation or quarantine;

427 (B) establishes, maintains, or enforces a stay-at-home order;

428 (C) exercises physical control over property or individuals;

429 (D) requires an individual to perform a certain action or engage in a certain behavior;
430 or

431 (E) closes theaters, schools, or other public places or prohibits gatherings of people to
432 protect the public health.

433 (b) "Order of constraint" includes a stay-at-home order.

434 (10) "Public health emergency" means the same as that term is defined in Section
435 [26-23b-102](#).

436 (11) "Single county local health department" means a local health department that is
437 created by the governing body of one county to provide services to the county and the
438 municipalities within that county.

439 (12) "Stay-at-home order" means an order of constraint that:

440 (a) restricts movement of the general population to suppress or mitigate an epidemic or
441 pandemic disease by directing individuals within a defined geographic area to remain in their
442 respective residences; and

443 (b) may include exceptions for certain essential tasks.

444 (13) "Substance abuse authority" means a local substance abuse authority created in
445 Section [17-43-201](#).

446 (14) "United local health department":

447 (a) means a substance abuse authority, a mental health authority, and a local health
448 department that join together under Section [26A-1-105.5](#); and

449 (b) includes a multicounty united local health department.

450 Section 6. Section **26A-1-121** is amended to read:

451 **26A-1-121. Standards and regulations adopted by local board -- Local standards**
452 **not more stringent than federal or state standards -- Exceptions for written findings --**
453 **Administrative and judicial review of actions.**

454 (1) (a) Subject to Subsection (1)(g), the board may make standards and regulations:

455 (i) not in conflict with rules of the [~~Departments of Health and~~ department or the
456 Department of Environmental Quality]; and

457 (ii) necessary for the promotion of public health, environmental health quality, injury
458 control, and the prevention of outbreaks and spread of communicable and infectious diseases.

459 (b) The standards and regulations under Subsection (1)(a):

460 (i) supersede existing local standards, regulations, and ordinances pertaining to similar
461 subject matter; and

462 (ii) except as provided under Subsection (1)(c) and except where specifically allowed
463 by federal law or state statute, may not be more stringent than those established by federal law,
464 state statute, or administrative rules adopted by the [~~Department of Health~~] department in
465 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

466 (c) (i) The board may make standards and regulations more stringent than
467 corresponding federal law, state statute, or state administrative rules for the purposes described
468 in Subsection (1)(a), only if the board makes a written finding after public comment and
469 hearing and based on evidence in the record, that corresponding federal laws, state statutes, or
470 state administrative rules are not adequate to protect public health and the environment of the
471 state.

472 (ii) The findings shall address the public health information and studies contained in
473 the record, which form the basis for the board's conclusion.

474 (d) The board shall provide public hearings prior to the adoption of any regulation or
475 standard. Notice of any public hearing shall be published at least twice throughout the county
476 or counties served by the local health department. The publication may be in one or more
477 newspapers, if the notice is provided in accordance with this Subsection (1)(d).

478 (e) The hearings may be conducted by the board at a regular or special meeting, or the
479 board may appoint hearing officers who may conduct hearings in the name of the board at a
480 designated time and place.

481 (f) A record or summary of the proceedings of a hearing shall be taken and filed with
482 the board.

483 (g) (i) During a declared public health emergency declared under this chapter or under
484 Title 26, Chapter 23b, Detection of Public Health Emergencies Act:

485 (A) except as provided in Subsection (1)(h), a local health department may not issue an
486 order of constraint without approval of the chief executive officer of the relevant county;

487 (B) the Legislature may at any time terminate by joint resolution an order of constraint
488 issued by a local health department in response to a declared public health emergency that has
489 been in effect for more than 30 days; and

490 (C) a county governing body may at any time terminate, by majority vote of the

491 governing body, an order of constraint issued by a local health department in response to a
492 declared public health emergency.

493 (ii) (A) For a local health department that serves more than one county, the approval
494 described in Subsection (1)(g)(i)(A) is required for the chief executive officer for which the
495 order of constraint is applicable.

496 (B) For a local health department that serves more than one county, a county governing
497 body may only terminate an order of constraint as described in Subsection (1)(g)(i)(C) for the
498 county served by the county governing body.

499 (h) (i) Notwithstanding Subsection (1)(g)(i)(A), a local health department may issue an
500 order of constraint without approval of the chief executive officer of the relevant county if the
501 passage of time necessary to obtain approval of the chief executive officer of the relevant
502 county as required in Subsection (1)(g)(i)(A) would substantially increase the likelihood of loss
503 of life due to an imminent threat.

504 (ii) If a local health department issues an order of constraint as described in Subsection
505 (1)(h)(i), the local health department shall notify the chief executive officer of the relevant
506 county before issuing the order of constraint.

507 (iii) The chief executive officer of the relevant county may terminate an order of
508 constraint issued as described in Subsection (1)(h)(i) within 72 hours of issuance of the order
509 of constraint.

510 (i) (i) During a public health emergency declared as described in this title:

511 (A) a local health department may not impose an order of constraint on a public
512 gathering that applies to a religious gathering differently than the order of constraint applies to
513 any other relevantly similar gathering; and

514 (B) an individual, while acting or purporting to act within the course and scope of the
515 individual's official local health department capacity, may not prevent a religious gathering that
516 is held in a manner consistent with any order of constraint issued pursuant to this title, or
517 impose a penalty for a previous religious gathering that was held in a manner consistent with
518 any order of constraint issued pursuant to this title.

519 (ii) Upon proper grounds, a court of competent jurisdiction may grant an injunction to
520 prevent the violation of this Subsection (1)(i).

521 (iii) During a public health emergency declared as described in this title, the

522 department or a local health department shall not issue a public health order or impose or
523 implement a regulation that substantially burdens an individual's exercise of religion unless the
524 department or local health department demonstrates that the application of the burden to the
525 individual:

526 (A) is in furtherance of a compelling government interest; and

527 (B) is the least restrictive means of furthering that compelling government interest.

528 (iv) Notwithstanding Subsections (1)(i)(i) and (ii), the department or a local health
529 department shall allow reasonable accommodations for an individual to perform or participate
530 in a religious practice or rite.

531 (j) If a local health department declares a public health emergency as described in this
532 chapter, and the local health department finds that the public health emergency conditions
533 warrant an extension of the public health emergency beyond the 30-day term or another date
534 designated by the local legislative body, the local health department shall provide written
535 notice to the local legislative body at least 10 days before the expiration of the public health
536 emergency.

537 (2) (a) A person aggrieved by an action or inaction of the local health department
538 relating to the public health shall have an opportunity for a hearing with the local health officer
539 or a designated representative of the local health department. The board shall grant a
540 subsequent hearing to the person upon the person's written request.

541 (b) In an adjudicative hearing, a member of the board or the hearing officer may
542 administer oaths, examine witnesses, and issue notice of the hearings or subpoenas in the name
543 of the board requiring the testimony of witnesses and the production of evidence relevant to a
544 matter in the hearing. The local health department shall make a written record of the hearing,
545 including findings of facts and conclusions of law.

546 (c) Judicial review of a final determination of the local board may be secured by a
547 person adversely affected by the final determination, or by the [~~Departments of Health or~~
548 department or the Department of Environmental Quality, by filing a petition in the district court
549 within 30 days after receipt of notice of the board's final determination.

550 (d) The petition shall be served upon the secretary of the board and shall state the
551 grounds upon which review is sought.

552 (e) The board's answer shall certify and file with the court all documents and papers

553 and a transcript of all testimony taken in the matter together with the board's findings of fact,
554 conclusions of law, and order.

555 (f) The appellant and the board are parties to the appeal.

556 (g) The ~~[Departments of Health]~~ department and the Department of Environmental
557 Quality may become a party by intervention as in a civil action upon showing cause.

558 (h) A further appeal may be taken to the Court of Appeals under Section 78A-4-103.

559 (3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability of a
560 local health department board to make standards and regulations in accordance with Subsection

561 (1)(a) for:

562 (a) emergency rules made in accordance with Section 63G-3-304; or

563 (b) items not regulated under federal law, state statute, or state administrative rule.

564 Section 7. Section **26B-1-102** is amended to read:

565 **TITLE 26B. UTAH HEALTH AND HUMAN SERVICES CODE**

566 **CHAPTER 1. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

567 **Part 1. General Provisions**

568 **26B-1-102. Definitions.**

569 As used in this title:

570 (1) "Department" means the Department of Health and Human Services created in
571 Section 26B-1-201.

572 ~~[(2) "Department of Health" means the Department of Health created in Section~~
573 ~~26-1-4.]~~

574 ~~[(3) "Department of Human Services" means the Department of Human Services~~
575 ~~created in Section 62A-1-102.]~~

576 (2) "Stabilization services" means in-home services provided to a child with, or who is
577 at risk for, complex emotional and behavioral needs, including teaching the child's parent or
578 guardian skills to improve family functioning.

579 (3) "Public health authority" means an agency or authority of the United States, a state,
580 a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting under
581 a grant of authority from or a contract with such an agency, that is responsible for public health
582 matters as part of the agency or authority's official mandate.

583 (4) "System of care" means a broad, flexible array of services and supports that:

- 584 (a) serve a child with or who is at risk for complex emotional and behavioral needs;
- 585 (b) are community based;
- 586 (c) are informed about trauma;
- 587 (d) build meaningful partnerships with families and children;
- 588 (e) integrate service planning, service coordination, and management across state and
- 589 local entities;
- 590 (f) include individualized case planning;
- 591 (g) provide management and policy infrastructure that supports a coordinated network
- 592 of interdepartmental service providers, contractors, and service providers who are outside of
- 593 the department; and
- 594 (h) are guided by the type and variety of services needed by a child with or who is at
- 595 risk for complex emotional and behavioral needs and by the child's family.

596 Section 8. Section **26B-1-103** is amended to read:

597 **26B-1-103. Purpose of title -- Consolidation of functions into single state agency.**

598 The purpose of this title is to consolidate into a single agency of state government all of
599 the functions previously exercised by[:] the Department of Health and the Department of
600 Human Services to more efficiently and effectively carry out the responsibilities delegated to
601 the department by state law.

602 ~~[(1) the Department of Health, including all of the powers and duties described in Title~~
603 ~~26, Utah Health Code; and]~~

604 ~~[(2) the Department of Human Services, including all of the powers and duties~~
605 ~~described in Title 62A, Utah Human Services Code.]~~

606 Section 9. Section **26B-1-104**, which is renumbered from Section 26-1-32 is
607 renumbered and amended to read:

608 ~~[**26-1-32**].~~ **26B-1-104. Severability of code provisions.**

609 If ~~[any]~~ a provision of this ~~[code]~~ title or Title 26, Utah Health Code, or the application
610 of any such provision to any person or circumstance is held invalid, the invalidity does not
611 affect other provisions or applications of this ~~[code]~~ title or Title 26, Utah Health Code, which
612 can be given effect without the invalid provision or application, and to this end the provisions
613 of this ~~[code]~~ title or Title 26, Utah Health Code, are declared to be severable.

614 Section 10. Section **26B-1-105**, which is renumbered from Section 26-1-33 is

615 renumbered and amended to read:

616 ~~[26-1-33].~~ **26B-1-105. Individual rights protected.**

617 Nothing in this title ~~[shall prohibit]~~ prohibits an individual from choosing the diet,
618 therapy, or mode of treatment to be administered to an individual or an individual's family.

619 Section 11. Section **26B-1-201** is amended to read:

620 **Part 2. General Organization and Duties**

621 **26B-1-201. Department of Health and Human Services -- Creation -- Duties.**

622 (1) There is created within state government the Department of Health and Human
623 Services, which has all of the policymaking functions, regulatory and enforcement powers,
624 rights, duties, and responsibilities outlined in this title and previously vested in the Department
625 of Health and the Department of Human Services.

626 (2) The department is the health, health planning, medical assistance, and social
627 services authority of the state and is the sole state agency for administration of federally
628 assisted state programs or plans for:

629 (a) social service block grants;

630 (b) alcohol, drug, and mental health programs, including block grants;

631 (c) child welfare;

632 (d) state programs supported under the Older Americans Act, 42 U.S.C. Sec. 3001, et
633 seq.;

634 (e) public health;

635 (f) health planning;

636 (g) maternal and child health;

637 (h) services for individuals with a disability; and

638 (i) medical assistance.

639 (3) A state plan or program administered by the department:

640 (a) shall be developed in the appropriate divisions or offices of the department in
641 accordance with applicable requirements of state and federal law; and

642 (b) may be amended by the executive director to achieve coordination, efficiency, or
643 economy.

644 ~~[(2)]~~ (4) In addition to Subsection (1), [during the transition period described in
645 Section 26B-1-201.1,] from July 1, 2022, through June 30, 2023, the Department of Health and

646 Human Services [~~may exercise any of~~] shall exercise the policymaking functions, regulatory
647 and enforcement powers, rights, duties, and responsibilities of the Department of Health and
648 the Department of Human Services under [~~the joint direction of~~]:

649 [~~(a) the executive director of the Department of Health; and~~]

650 [~~(b) the executive director of the Department of Human Services.~~]

651 (a) Title 26, Utah Health Code; and

652 (b) Title 62A, Utah Human Services Code.

653 Section 12. Section **26B-1-201.1** is amended to read:

654 **26B-1-201.1. Transition to single state agency -- Transition plan.**

655 (1) As used in this section:

656 (a) "Transition agencies" means the:

657 (i) Department of Health; and

658 (ii) Department of Human Services.

659 (b) "Transition period" means the period of time:

660 (i) during which the transition of the department to the Department of Health and

661 Human Services takes place; and

662 (ii) beginning on [~~the effective date of the bill,~~] March 23, 2021, and ending on July 1,
663 2022.

664 [~~(2) On or before December 1, 2021, the transition agencies shall develop a written~~
665 ~~transition plan for merging the functions of the transition agencies into the Department of~~
666 ~~Health and Human Services on July 1, 2022, in order to:]~~

667 [~~(a) more efficiently and effectively manage health and human services programs that~~
668 ~~are the responsibility of the state;]~~

669 [~~(b) establish a health and human services policy for the state; and]~~

670 [~~(c) promote health and the quality of life in the health and human services field.]~~

671 [~~(3) The written transition plan described in Subsection (2) shall describe:]~~

672 [~~(a) the tasks that need to be completed before the move on July 1, 2022, including a~~
673 ~~description of:]~~

674 [~~(i) how the transition agencies solicited comment from stakeholders, including:]~~

675 [~~(A) employees of the transition agencies;]~~

676 [~~(B) clients and partners of the transition agencies;]~~

677 ~~[(C) members of the public;]~~
678 ~~[(D) the Legislature; and]~~
679 ~~[(E) the executive office of the governor;]~~
680 ~~[(ii) the proposed organizational structure of the department, including the transition of~~
681 ~~responsibilities of employees, by job title and classification, under the newly proposed~~
682 ~~organizational structure and a plan for these transitions;]~~
683 ~~[(iii) office space and infrastructure requirements related to the transition;]~~
684 ~~[(iv) any work site location changes for transitioning employees;]~~
685 ~~[(v) the transition of service delivery sites;]~~
686 ~~[(vi) amendments needed to existing contracts, including grants;]~~
687 ~~[(vii) legislative changes needed to implement the transition described in this section;]~~
688 ~~[(viii) how the transition agencies will coordinate agency rules;]~~
689 ~~[(ix) procedures for the transfer and reconciliation of budgeting and funding of the~~
690 ~~department as the transition agencies transition into the department; and]~~
691 ~~[(x) the transition of technology services to the department;]~~
692 ~~[(b) the tasks that may need to be completed after the transition on July 1, 2022; and]~~
693 ~~[(c) how the transition to the department will be funded, including details of:]~~
694 ~~[(i) how expenses associated with the transition will be managed;]~~
695 ~~[(ii) how funding for services provided by the transition agencies will be managed to~~
696 ~~ensure services will be provided by the transition agencies and the department without~~
697 ~~interruption; and]~~
698 ~~[(iii) how federal funds will be used by or transferred between the transition agencies~~
699 ~~and the department to ensure services will be provided by the transition agencies and the~~
700 ~~department without interruption.]~~
701 ~~[(4) The written transition plan described in Subsection (2) shall:]~~
702 ~~[(a) include a detailed timeline for the completion of the tasks described in Subsection~~
703 ~~(3)(a);]~~
704 ~~[(b) be updated at least one time in every two week period until the transition is~~
705 ~~complete;]~~
706 ~~[(c) describe how information will be provided to clients of the transition agencies and~~
707 ~~the department regarding any changes to where services will be provided and the hours services~~

708 will be provided;]
709 ~~[(d) be provided to the:]~~
710 ~~[(i) Health and Human Services Interim Committee;]~~
711 ~~[(ii) Social Services Appropriations Subcommittee;]~~
712 ~~[(iii) the executive office of the governor;]~~
713 ~~[(iv) Division of Finance; and]~~
714 ~~[(v) Division of Technology Services; and]~~
715 ~~[(e) be made available to employees that are transitioning or may potentially be~~
716 ~~transitioned:]~~
717 ~~[(5)]~~ (2) The transition agencies shall publish information that provides a full overview
718 of ~~[the written transition plan and]~~ how the move may affect client services offered by the
719 transition agencies on the transition agencies' respective websites, including regular updates
720 regarding:
721 (a) how the move may affect client services offered by the transition agencies;
722 (b) information regarding the location where services are provided and the hours
723 services are provided; and
724 (c) contact information so that clients of the transition agencies can contact
725 transitioning employees and obtain information regarding client services.
726 ~~[(6)]~~ (3) The transition agencies may, separately or collectively, enter into a
727 memorandum of understanding regarding how costs and responsibilities will be shared to:
728 (a) ensure that services provided under agreements with the federal government,
729 including new and ongoing grant programs, are fulfilled;
730 (b) ensure that commitments made by the transition agencies are met;
731 (c) provide ongoing or shared services as needed, including the provision of payments
732 to the department from the transition agencies; and
733 (d) ensure that money from the Department of Health and Human Services Transition
734 Restricted Account created in ~~[Subsection (8)]~~ Section 26B-1-305 is used appropriately by the
735 transition agencies and the department.
736 ~~[(7)]~~ (4) In implementing the written transition plan described in this section, the
737 transition agencies and the department shall protect existing services, programs, and access to
738 services provided by the transition agencies.

739 ~~[(8) (a) There is created a restricted account within the General Fund known as the~~
 740 ~~"Department of Health and Human Services Transition Restricted Account."]~~

741 ~~[(b) The restricted account shall consist of appropriations made by the Legislature.]~~

742 ~~[(c) Subject to appropriation, the transition agencies and the department may spend~~
 743 ~~money from the restricted account to pay for expenses related to moving the transition agencies~~
 744 ~~into the department, including staff and legal services.]~~

745 (5) (a) The department shall provide a written update to the entities described in
 746 Subsection (5)(b):

747 (i) at least one time after September 1, 2022, but before November 1, 2022;

748 (ii) if the executive director adjusts the organizational structure of the department
 749 under Subsection [26B-1-204\(5\)](#) in a manner that conflicts with the organizational structure
 750 described in statute; or

751 (iii) at the request of one or more of the entities described in Subsection (5)(b).

752 (b) The update described in Subsection (5)(a) shall be provided to:

753 (i) the Health and Human Services Interim Committee;

754 (ii) the Social Services Appropriations Subcommittee; and

755 (iii) the executive office of the governor.

756 (6) Before November 30 of each year from 2022 through 2025, the department shall
 757 report to the Social Services Appropriations Subcommittee:

758 (a) efficiencies and savings identified by the department as a result of the merger of the
 759 transition agencies; and

760 (b) programs to which the department recommends reinvesting savings identified under
 761 Subsection (6)(a).

762 Section 13. Section **26B-1-202**, which is renumbered from Section 62A-1-111 is
 763 renumbered and amended to read:

764 ~~[62A-1-111].~~ **26B-1-202. Department authority and duties.**

765 The department may, subject to applicable restrictions in state law and in addition to all
 766 other authority and responsibility granted to the department by law:

767 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
 768 Rulemaking Act, and not inconsistent with law, as the department may consider necessary or
 769 desirable for providing health and social services to the people of this state;

770 (2) establish and manage client trust accounts in the department's institutions and
771 community programs, at the request of the client or the client's legal guardian or representative,
772 or in accordance with federal law;

773 (3) purchase, as authorized or required by law, services that the department is
774 responsible to provide for legally eligible persons;

775 (4) conduct adjudicative proceedings for clients and providers in accordance with the
776 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

777 (5) establish eligibility standards for ~~[its]~~ the department's programs, not inconsistent
778 with state or federal law or regulations;

779 (6) take necessary steps, including legal action, to recover money or the monetary value
780 of services provided to a recipient who was not eligible;

781 (7) set and collect fees for the department's services;

782 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
783 or limited by law;

784 (9) acquire, manage, and dispose of any real or personal property needed or owned by
785 the department, not inconsistent with state law;

786 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
787 the proceeds thereof, may be credited to the program designated by the donor, and may be used
788 for the purposes requested by the donor, as long as the request conforms to state and federal
789 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
790 under guidelines established by the state treasurer;

791 (11) accept and employ volunteer labor or services; the department is authorized to
792 reimburse volunteers for necessary expenses, when the department considers that
793 reimbursement to be appropriate;

794 (12) carry out the responsibility assigned in the workforce services plan by the State
795 Workforce Development Board;

796 ~~[(13) carry out the responsibility assigned by Section 35A-8-602 with respect to
797 coordination of services for the homeless;]~~

798 ~~[(14)]~~ (13) carry out the responsibility assigned by Section 62A-5a-105 with respect to
799 coordination of services for students with a disability;

800 ~~[(15)]~~ (14) provide training and educational opportunities for the department's staff;

801 ~~[(16)]~~ (15) collect child support payments and any other money due to the department;

802 ~~[(17)]~~ (16) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to

803 parents whose child lives out of the home in a department licensed or certified setting;

804 ~~[(18)]~~ (17) establish policy and procedures, within appropriations authorized by the

805 Legislature, in cases where the Division of Child and Family Services or the Division of

806 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah

807 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not

808 competent to proceed under Section [80-6-403](#) ~~[- any policy and procedures shall include]~~,

809 including:

810 (a) designation of interagency teams for each juvenile court district in the state;

811 (b) delineation of assessment criteria and procedures;

812 (c) minimum requirements, and timeframes, for the development and implementation

813 of a collaborative service plan for each minor placed in department custody; and

814 (d) provisions for submittal of the plan and periodic progress reports to the court;

815 ~~[(19)]~~ (18) carry out the responsibilities assigned to the department by statute;

816 ~~[(20)]~~ (19) examine and audit the expenditures of any public funds provided to a local

817 substance abuse ~~[authorities,]~~ authority, a local mental health ~~[authorities,]~~ authority, a local

818 area ~~[agencies]~~ agency on aging, and any person, agency, or organization that contracts with or

819 receives funds from those authorities or agencies. Those local authorities, area agencies, and

820 any person or entity that contracts with or receives funds from those authorities or area

821 agencies, shall provide the department with any information the department considers

822 necessary. The department is further authorized to issue directives resulting from any

823 examination or audit to a local ~~[authorities, area agencies]~~ authority, an area agency, and

824 persons or entities that contract with or receive funds from those authorities with regard to any

825 public funds. If the department determines that it is necessary to withhold funds from a local

826 mental health authority or local substance abuse authority based on failure to comply with state

827 or federal law, policy, or contract provisions, ~~[it]~~ the department may take steps necessary to

828 ensure continuity of services. For purposes of this Subsection ~~[(20)]~~ (19) "public funds" means

829 the same as that term is defined in Section [62A-15-102](#);

830 ~~[(21)]~~ (20) ~~[pursuant to]~~ in accordance with Subsection [62A-2-106\(1\)\(d\)](#), accredit one

831 or more agencies and persons to provide intercountry adoption services;

832 ~~[(22)]~~ (21) within legislative appropriations ~~[authorized by the Legislature]~~, promote
833 and develop a system of care and stabilization services:

834 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

835 (b) that encompasses the department, department contractors, and the divisions,
836 offices, or institutions within the department, to:

837 (i) navigate services, funding resources, and relationships to the benefit of the children
838 and families whom the department serves;

839 (ii) centralize department operations, including procurement and contracting;

840 (iii) develop policies that govern business operations and that facilitate a system of care
841 approach to service delivery;

842 (iv) allocate resources that may be used for the children and families served by the
843 department or the divisions, offices, or institutions within the department, subject to the
844 restrictions in Section [63J-1-206](#);

845 (v) create performance-based measures for the provision of services; and

846 (vi) centralize other business operations, including data matching and sharing among
847 the department's divisions, offices, and institutions;

848 ~~[(23)]~~ (22) ensure that any training or certification required of a public official or
849 public employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G,
850 Chapter 22, State Training and Certification Requirements, if the training or certification is
851 required:

852 (a) under this title;

853 (b) by the department; or

854 (c) by an agency or division within the department; ~~[and]~~

855 ~~[(24) reallocate unexpended funds as provided in Section [62A-1-111.6](#).]~~

856 (23) enter into cooperative agreements with the Department of Environmental Quality
857 to delineate specific responsibilities to assure that assessment and management of risk to
858 human health from the environment are properly administered;

859 (24) consult with the Department of Environmental Quality and enter into cooperative
860 agreements, as needed, to ensure efficient use of resources and effective response to potential
861 health and safety threats from the environment, and to prevent gaps in protection from potential
862 risks from the environment to specific individuals or population groups;

- 863 (25) promote and protect the health and wellness of the people within the state;
864 (26) establish, maintain, and enforce rules necessary or desirable to carry out the
865 provisions and purposes of this title to promote and protect the public health or to prevent
866 disease and illness;
867 (27) investigate and control the causes of epidemic, infectious, communicable, and
868 other diseases affecting the public health;
869 (28) provide for the detection, reporting, prevention, and control of communicable,
870 infectious, acute, chronic, or any other disease or health hazard which the department considers
871 to be dangerous, important, or likely to affect the public health;
872 (29) collect and report information on causes of injury, sickness, death, and disability
873 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
874 the state;
875 (30) collect, prepare, publish, and disseminate information to inform the public
876 concerning the health and wellness of the population, specific hazards, and risks that may affect
877 the health and wellness of the population and specific activities which may promote and protect
878 the health and wellness of the population;
879 (31) establish and operate programs necessary or desirable for the promotion or
880 protection of the public health and the control of disease or which may be necessary to
881 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
882 programs may not be established if adequate programs exist in the private sector;
883 (32) establish, maintain, and enforce isolation and quarantine, and for this purpose
884 only, exercise physical control over property and individuals as the department finds necessary
885 for the protection of the public health;
886 (33) close theaters, schools, and other public places and forbid gatherings of people
887 when necessary to protect the public health;
888 (34) abate nuisances when necessary to eliminate sources of filth and infectious and
889 communicable diseases affecting the public health;
890 (35) make necessary sanitary and health investigations and inspections in cooperation
891 with local health departments as to any matters affecting the public health;
892 (36) establish laboratory services necessary to support public health programs and
893 medical services in the state;

894 (37) establish and enforce standards for laboratory services which are provided by any
895 laboratory in the state when the purpose of the services is to protect the public health;

896 (38) cooperate with the Labor Commission to conduct studies of occupational health
897 hazards and occupational diseases arising in and out of employment in industry, and make
898 recommendations for elimination or reduction of the hazards;

899 (39) cooperate with the local health departments, the Department of Corrections, the
900 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
901 Victim Reparations and Assistance Board to conduct testing for HIV infection of alleged
902 sexual offenders, convicted sexual offenders, and any victims of a sexual offense;

903 (40) investigate the causes of maternal and infant mortality;

904 (41) establish, maintain, and enforce a procedure requiring the blood of adult
905 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
906 presence and concentration of alcohol, and provide the Commissioner of Public Safety with
907 monthly statistics reflecting the results of these examinations, with necessary safeguards so that
908 information derived from the examinations is not used for a purpose other than the compilation
909 of these statistics;

910 (42) establish qualifications for individuals permitted to draw blood under Subsection
911 [41-6a-523\(1\)\(a\)\(vi\)](#), [53-10-405\(2\)\(a\)\(vi\)](#), [72-10-502\(5\)\(a\)\(vi\)](#), or [77-23-213\(3\)\(a\)\(vi\)](#), and to
912 issue permits to individuals the department finds qualified, which permits may be terminated or
913 revoked by the department;

914 (43) establish a uniform public health program throughout the state which includes
915 continuous service, employment of qualified employees, and a basic program of disease
916 control, vital and health statistics, sanitation, public health nursing, and other preventive health
917 programs necessary or desirable for the protection of public health;

918 (44) adopt rules and enforce minimum sanitary standards as provided in Title 26,
919 Chapter 15, General Sanitation;

920 (45) conduct health planning for the state;

921 (46) monitor the costs of health care in the state and foster price competition in the
922 health care delivery system;

923 (47) adopt rules for the licensure of health facilities within the state in accordance with
924 Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act;

925 (48) license the provision of child care;

926 (49) accept contributions to and administer the funds contained in the Allyson Gamble

927 Organ Donation Contribution Fund created in Section [26-18b-101](#);

928 (50) serve as the collecting agent, on behalf of the state, for the nursing care facility

929 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,

930 and adopt rules for the enforcement and administration of the nursing facility assessment

931 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;

932 (51) establish methods or measures for health care providers, public health entities, and

933 health care insurers to coordinate among themselves to verify the identity of the individuals the

934 providers serve;

935 (52) designate Alzheimer's disease and related dementia as a public health issue and,

936 within budgetary limitations, implement a state plan for Alzheimer's disease and related

937 dementia by incorporating the plan into the department's strategic planning and budgetary

938 process; and

939 (53) coordinate with other state agencies and other organizations to implement the state

940 plan for Alzheimer's disease and related dementia;

941 (54) ensure that any training or certification required of a public official or public

942 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter

943 22, State Training and Certification Requirements, if the training or certification is required by

944 the agency or under this title, Title 26, Utah Health Code or Title 62A, Utah Human Services

945 Code; and

946 (55) oversee public education vision screening as described in Section [53G-9-404](#).

947 Section 14. Section **26B-1-203**, which is renumbered from Section 62A-1-108 is

948 renumbered and amended to read:

949 **[62A-1-108]. 26B-1-203. Executive director -- Appointment --**

950 **Compensation -- Qualifications -- Responsibilities.**

951 (1) (a) The chief administrative officer of the department is the executive director, who
952 shall be appointed by the governor with the advice and consent of the Senate.

953 (b) The executive director may be removed at the will of the governor.

954 (c) The executive director shall receive a salary established by the governor within the
955 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

956 (2) The executive director shall be experienced in administration, management, and
957 coordination of complex organizations.

958 (3) If the executive director is not a physician, the executive director or a deputy
959 director shall:

960 (a) be informed and experienced in public health;

961 (b) have successfully completed at least a master's degree of public health or public
962 administration from an accredited school of public health or from an accredited program of
963 public health or public administration; and

964 (c) (i) have at least five years of professional full-time experience, of which at least two
965 years have been in public health in a senior level administrative capacity; or

966 (ii) have at least five years of professional full-time experience in public health
967 programs, of which at least three years have been in a senior level administrative capacity.

968 (4) The executive director shall appoint a deputy director of the department who:

969 (a) shall have successfully completed at least one year's graduate work in an accredited
970 school of public health or an accredited program of public health;

971 (b) shall have at least five years of professional full-time experience in public health
972 programs; and

973 (c) is a physician licensed to practice medicine in the state with experience in public
974 health.

975 ~~[(2)]~~ (5) The executive director is responsible for:

976 (a) administration and supervision of the department;

977 (b) coordination of policies and program activities conducted through the boards,
978 divisions, and offices of the department;

979 (c) approval of the proposed budget of each board, division, and office within the
980 department; and

981 (d) ~~[such]~~ other duties as the Legislature or governor shall assign to ~~[him]~~ the
982 executive director.

983 ~~[(3)]~~ (6) The executive director may appoint deputy or assistant directors to assist
984 ~~[him]~~ the executive director in carrying out the department's responsibilities.

985 Section 15. Section **26B-1-204**, which is renumbered from Section 62A-1-105 is
986 renumbered and amended to read:

987 [62A-1-105]. 26B-1-204. Creation of boards, divisions, and offices --

988 **Power to organize department.**

989 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
990 Utah Administrative Rulemaking Act, and not inconsistent with law for:

991 (a) the administration and government of the department;

992 (b) the conduct of the department's employees; and

993 (c) the custody use and preservation of the records, papers, books, documents, and
994 property of the department.

995 [(+)] (2) The following policymaking boards, councils, and committees are created
996 within the Department of Health and Human Services:

997 (a) [~~the~~] Board of Aging and Adult Services; [~~and~~]

998 (b) [~~the~~] Utah State Developmental Center Board[~~;~~];

999 (c) Health Advisory Council;

1000 (d) Health Facility Committee;

1001 (e) State Emergency Medical Services Committee;

1002 (f) Air Ambulance Committee;

1003 (g) Health Data Committee;

1004 (h) Utah Health Care Workforce Financial Assistance Program Advisory Committee;

1005 (i) Residential Child Care Licensing Advisory Committee;

1006 (j) Child Care Center Licensing Committee;

1007 (k) Primary Care Grant Committee;

1008 (l) Adult Autism Treatment Program Advisory Committee;

1009 (m) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee;

1010 and

1011 (n) any boards, councils, or committees that are created by statute in:

1012 (i) this title;

1013 (ii) Title 26, Utah Health Code; or

1014 (iii) Title 62A, Utah Human Services Code.

1015 [(-)] (3) The following divisions are created within the Department of Health and
1016 Human Services:

1017 (a) relating to operations:

- 1018 (i) the Division of Finance and Administration;
1019 (ii) the Division of Licensing and Background Checks;
1020 (iii) the Division of Customer Experience;
1021 (iv) the Division of Data, Systems, and Evaluation; and
1022 (v) the Division of Continuous Quality Improvement;
1023 (b) relating to healthcare administration:
1024 (i) the Division of Integrated Healthcare, which shall include responsibility for:
1025 (A) the state's medical assistance programs; and
1026 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse
1027 and Mental Health Act;
1028 (ii) the Division of Aging and Adult Services; and
1029 (iii) the Division for Services for People with Disabilities; and
1030 (c) relating to community health and well-being:
1031 (i) the Division of Child and Family Services;
1032 (ii) the Division of Family Health;
1033 (iii) the Division of Population Health;
1034 (iv) the Division of Juvenile Justice and Youth Services; and
1035 (v) the Office of Recovery Services.
1036 (4) The executive director may establish offices and bureaus to facilitate management
1037 of the department as required by, and in accordance, with:
1038 (a) this title;
1039 (b) Title 26, Utah Health Code; and
1040 (c) Title 62A, Utah Human Services Code.
1041 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
1042 organizational structure relating to the department, including the organization of the
1043 department's divisions and offices, notwithstanding the organizational structure described in:
1044 (a) this title;
1045 (b) Title 26, Utah Health Code; or
1046 (c) Title 62A, Utah Human Services Code.
1047 ~~[(a) the Division of Aging and Adult Services;]~~
1048 ~~[(b) the Division of Child and Family Services;]~~

1049 ~~[(c) the Division of Services for People with Disabilities;]~~
 1050 ~~[(d) the Division of Substance Abuse and Mental Health; and]~~
 1051 ~~[(e) the Division of Juvenile Justice Services.]~~
 1052 ~~[(3) The following offices are created within the Department of Human Services:]~~
 1053 ~~[(a) the Office of Licensing;]~~
 1054 ~~[(b) the Office of Public Guardian;]~~
 1055 ~~[(c) the Office of Recovery Services; and]~~
 1056 ~~[(d) the Office of Quality and Design.]~~

1057 Section 16. Section **26B-1-205**, which is renumbered from Section 62A-1-109 is
 1058 renumbered and amended to read:

1059 ~~[62A-1-109].~~ **26B-1-205. Division directors -- Appointment --**
 1060 **Compensation -- Qualifications.**

1061 (1) (a) The executive director of the department has administrative jurisdiction over
 1062 each division and office director.

1063 (b) The executive director may make changes in personnel and service functions in the
 1064 divisions and offices under the executive director's administrative jurisdiction, and authorize
 1065 designees to perform appropriate responsibilities, to effectuate greater efficiency and economy
 1066 in the operations of the department.

1067 (c) The executive director may establish offices and bureaus to perform functions such
 1068 as budgeting, planning, data processing, and personnel administration, to facilitate management
 1069 of the department.

1070 ~~[(1)]~~ (2) The chief officer of each division and office enumerated in Section
 1071 ~~[62A-1-105]~~ 26B-1-204 shall be a director who shall serve as the executive and administrative
 1072 head of the division or office.

1073 ~~[(2)]~~ (3) ~~[Each division director shall be appointed by the]~~ The executive director shall
 1074 appoint each division director with the concurrence of the division's board, if the division has a
 1075 board.

1076 ~~[(3)]~~ (4) The director of any division may be removed from that position at the will of
 1077 the executive director after consultation with that division's board, if the division has a board.

1078 ~~[(4) Each office director shall be appointed by the executive director.]~~

1079 ~~[(5)]~~ (5) Directors of divisions and offices shall receive compensation as provided by

1080 Title 63A, Chapter 17, Utah State Personnel Management Act.

1081 ~~[(6)]~~ (6) The director of each division and office shall be experienced in administration
1082 and possess such additional qualifications as determined by the executive director, and as
1083 provided by law.

1084 Section 17. Section **26B-1-206**, which is renumbered from Section 62A-1-107.5 is
1085 renumbered and amended to read:

1086 ~~[62A-1-107.5].~~ **26B-1-206. Limitation on establishment of advisory bodies.**

1087 ~~[(1) Department divisions and boards:]~~

1088 (1) A department division or board:

1089 (a) may not establish permanent, ongoing advisory groups unless otherwise specifically
1090 created in federal or state statute; and

1091 (b) shall comply with the provisions of this section ~~[with regard to any advisory groups~~
1092 ~~created prior to or after July 1, 2003].~~

1093 (2) (a) ~~[Divisions and boards]~~ A division or board may establish subject-limited and
1094 time-limited ad hoc advisory groups to provide input necessary to carry out ~~[their]~~ the
1095 division's or board's assigned responsibilities.

1096 (b) When establishing such an advisory group, the board ~~[must]~~ shall establish in
1097 writing a specific charge and time limit.

1098 (3) The department shall consolidate an advisory group or committee with another
1099 committee or advisory group as appropriate to create greater efficiencies and budgetary savings
1100 for the department.

1101 ~~[(3)]~~ (4) ~~[Members]~~ A member of any ad hoc advisory group shall receive no
1102 compensation or benefits for their service.

1103 ~~[(4)]~~ (5) The provision of staffing and support to any ad hoc advisory group ~~[will be]~~ is
1104 contingent on availability of human and financial resources.

1105 Section 18. Section **26B-1-207**, which is renumbered from Section 26-1-4 is
1106 renumbered and amended to read:

1107 ~~[26-1-4].~~ **26B-1-207. Policymaking responsibilities -- Regulations for local**
1108 **health departments prescribed by department -- Local standards not more stringent than**
1109 **federal or state standards -- Consultation with local health departments -- Committee to**
1110 **evaluate health policies and to review federal grants.**

1111 ~~[(1) There is created the Department of Health, which has all of the policymaking~~
1112 ~~functions, regulatory and enforcement powers, rights, duties, and responsibilities of the~~
1113 ~~Division of Health, the Board of Health, the State Health Planning Development Agency, and~~
1114 ~~the Office of Health Care Financing. Unless otherwise specifically provided, when reference is~~
1115 ~~made in any statute of this state to the Board of Health, the Division of Health, the State Health~~
1116 ~~Planning Development Agency, or the Office of Health Care Financing, it refers to the~~
1117 ~~department. The department shall assume all of the policymaking functions, powers, rights,~~
1118 ~~duties, and responsibilities over the division, agency, and office previously vested in the~~
1119 ~~Department of Human Services and its executive director.]~~

1120 ~~[(2)]~~ (1) In establishing public health policy, the department shall consult with the local
1121 health departments established under Title 26A, Chapter 1, Local Health Departments.

1122 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1123 the department may prescribe by administrative rule made in accordance with Title 63G,
1124 Chapter 3, Utah Administrative Rulemaking Act, reasonable requirements not inconsistent
1125 with law for a local health department as defined in Section [26A-1-102](#).

1126 (b) Except as provided in Subsection (2)(c), or where specifically allowed by federal
1127 law or state statute, a local health department, as defined in Section [26A-1-102](#), may not
1128 establish standards or regulations that are more stringent than those established by federal law,
1129 state statute, or administrative rule adopted in accordance with Title 63G, Chapter 3, Utah
1130 Administrative Rulemaking Act.

1131 (c) The local health department may make standards and regulations more stringent
1132 than corresponding federal law, state statute, or state administrative rules, only if the local
1133 health department makes a written finding after public comment and hearing and based on
1134 evidence in the record, that corresponding federal laws, state statutes, or state administrative
1135 rules are not adequate to protect public health of the state.

1136 (d) The findings described in Subsection (2)(c) shall address the public health
1137 information and studies contained in the record, which form the basis for the local health
1138 department's conclusion.

1139 (e) Nothing in this Subsection (2), limits the ability of a local health department to
1140 make standards and regulations in accordance with Subsection [26A-1-121\(1\)\(a\)](#) for:

1141 (i) emergency rules made in accordance with Section [63G-3-304](#); or

- 1142 (ii) items not regulated under federal law, state statute, or state administrative rule.
- 1143 (3) (a) As used in this Subsection (3):
- 1144 (i) "Committee" means the committee established under Subsection (3)(b).
- 1145 (ii) "Exempt application" means an application for a federal grant that meets the
- 1146 criteria established under Subsection (3)(c)(iii).
- 1147 (iii) "Expedited application" means an application for a federal grant that meets the
- 1148 criteria established under Subsection (3)(c)(iv).
- 1149 (iv) "Federal grant" means a grant from the federal government that could provide
- 1150 funds for local health departments to help them fulfill their duties and responsibilities.
- 1151 (v) "Reviewable application" means an application for a federal grant that is not an
- 1152 exempt application.
- 1153 (b) The department shall establish a committee consisting of:
- 1154 (i) the executive director, or the executive director's designee;
- 1155 (ii) two representatives of the department, appointed by the executive director; and
- 1156 (iii) three representatives of local health departments, appointed by all local health
- 1157 departments.
- 1158 (c) The committee shall:
- 1159 (i) evaluate:
- 1160 (A) the allocation of public health resources between the department and local health
- 1161 departments; and
- 1162 (B) policies that affect local health departments;
- 1163 (ii) consider policy changes proposed by the department or local health departments;
- 1164 (iii) establish criteria by which an application for a federal grant may be judged to
- 1165 determine whether it should be exempt from the requirements under Subsection (3)(d); and
- 1166 (iv) establish criteria by which an application for a federal grant may be judged to
- 1167 determine whether committee review under Subsection (3)(d)(i) should be delayed until after
- 1168 the application is submitted because the application is required to be submitted under a
- 1169 timetable that makes committee review before it is submitted impracticable if the submission
- 1170 deadline is to be met.
- 1171 (d) (i) The committee shall review the goals and budget for each reviewable
- 1172 application:

1173 (A) before the application is submitted, except for an expedited application; and

1174 (B) for an expedited application, after the application is submitted but before funds
1175 from the federal grant for which the application was submitted are disbursed or encumbered.

1176 (ii) Funds from a federal grant [~~pursuant to~~] under a reviewable application may not be
1177 disbursed or encumbered before the goals and budget for the federal grant are established by:

1178 (A) a two-thirds vote of the committee, following the committee review under
1179 Subsection (3)(d)(i); or

1180 (B) if two-thirds of the committee cannot agree on the goals and budget, the chair of
1181 the health advisory council, after consultation with the committee in a manner that the
1182 committee determines.

1183 (e) An exempt application is exempt from the requirements of Subsection (3)(d).

1184 (f) The department may use money from a federal grant to pay administrative costs
1185 incurred in implementing this Subsection (3).

1186 Section 19. Section **26B-1-208**, which is renumbered from Section 62A-1-112 is
1187 renumbered and amended to read:

1188 ~~[62A-1-112]~~. **26B-1-208. Participation in federal programs -- Federal**
1189 **grants -- Authority of executive director.**

1190 (1) The executive director may, by following the procedures and requirements of Title
1191 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in
1192 federal programs.

1193 (2) Wherever state law authorizes a board, director, division, or office of the
1194 department to accept any grant, fund, or service which is to be advanced or contributed in
1195 whole or in part by the federal government, that acceptance shall be subject to the approval or
1196 disapproval of the executive director.

1197 (3) All applications for federal grants or other federal financial assistance for the
1198 support of any department program is subject to the approval of the executive director.

1199 ~~[(3)]~~ (4) If any executive or legislative provision of the federal government so requires,
1200 as a condition to participation by this state in any fund, property, or service, the executive
1201 director, with the governor's approval, shall expend whatever funds are necessary out of the
1202 money provided by the Legislature for use and disbursement by that department.

1203 Section 20. Section **26B-1-209**, which is renumbered from Section 26-1-6 is

1204 renumbered and amended to read:

1205 ~~[26-1-6]~~. **26B-1-209. Fee schedule adopted by department.**

1206 (1) The department may adopt a schedule of fees that may be assessed for services
1207 rendered by the department, provided that the fees are:

1208 (a) reasonable and fair; and

1209 (b) submitted to the Legislature as part of the department's annual appropriations
1210 request.

1211 (2) When the department submits a fee schedule to the Legislature, the Legislature, in
1212 accordance with Section [63J-1-504](#), may:

1213 (a) approve the fee;

1214 (b) increase or decrease and approve the fee; or

1215 (c) reject any fee submitted to it.

1216 (3) Fees approved by the Legislature ~~[pursuant to]~~ under this section shall be paid into
1217 the state treasury.

1218 Section 21. Section **26B-1-210**, which is renumbered from Section 62A-1-113 is
1219 renumbered and amended to read:

1220 ~~[62A-1-113]~~. **26B-1-210. Department budget -- Reports from divisions.**

1221 (1) The department shall prepare and submit to the governor, for inclusion in ~~[his]~~ the
1222 governor's budget to be submitted to the Legislature, a budget of the department's financial
1223 requirements needed to carry out ~~[its]~~ the department's responsibilities, as provided by law
1224 during the fiscal year following the Legislature's next Annual General Session.

1225 (2) The executive director shall require a report from each of the divisions and offices
1226 of the department, to aid in preparation of the departmental budget.

1227 Section 22. Section **26B-1-211**, which is renumbered from Section 26-1-17.1 is
1228 renumbered and amended to read:

1229 ~~[26-1-17.1]~~. **26B-1-211. Background checks for employees -- Access to abuse
1230 and neglect information to screen employees and volunteers.**

1231 (1) As used in this section, "bureau" means the Bureau of Criminal Identification
1232 created in Section [53-10-201](#).

1233 (2) Beginning July 1, 2018, the department may require a fingerprint-based local,
1234 regional, and national criminal history background check and ongoing monitoring of:

- 1235 (a) all staff, contracted employees, and volunteers who:
1236 (i) have access to protected health information or personal identifying information;
1237 (ii) have direct ~~[contact with]~~ access to patients, children, or vulnerable adults as
1238 defined in Section ~~[62A-2-120]~~ 62A-2-101;
1239 (iii) work in areas of privacy and data security;
1240 (iv) handle financial information, including receipt of funds, reviewing invoices,
1241 making payments, and other types of financial information; and
1242 (v) perform audit functions, whether internal or external, on behalf of the department;
1243 and
1244 (b) job applicants who have been offered a position with the department and the job
1245 requirements include those described in Subsection (2)(a).
1246 (3) Beginning July 1, 2022, for the purposes described in Subsection (2), the
1247 department may also access:
1248 (a) the department's Management Information System created in Section 62A-4a-1003;
1249 (b) the department's Licensing Information System created in Section 62A-4a-1006;
1250 (c) the statewide database of the Division of Aging and Adult Services created by
1251 Section 62A-3-311.1; and
1252 (d) juvenile court records under Subsection 80-3-404(6).
1253 ~~[(3)]~~ (4) Each individual in a position listed in Subsection (2) shall provide a
1254 completed fingerprint card to the department upon request.
1255 ~~[(4)]~~ (5) The department shall require that an individual required to submit to a
1256 background check under Subsection ~~[(3)]~~ (4) provide a signed waiver on a form provided by
1257 the department that meets the requirements of Subsection 53-10-108(4).
1258 ~~[(5)]~~ (6) For a noncriminal justice background search and registration in accordance
1259 with Subsection 53-10-108(13), the department shall submit to the bureau:
1260 (a) the applicant's personal identifying information and fingerprints for a criminal
1261 history search of applicable local, regional, and national databases; and
1262 (b) a request for all information received as a result of the local, regional, and
1263 nationwide background check.
1264 ~~[(6)]~~ (7) The department is responsible for the payment of all fees required by
1265 Subsection 53-10-108(15) and any fees required to be submitted to the Federal Bureau of

1266 Investigation by the bureau.

1267 [~~7~~] (8) The department may make rules in accordance with Title 63G, Chapter 3,
1268 Utah Administrative Rulemaking Act, that:

1269 (a) determine how the department will assess the employment status of an individual
1270 upon receipt of background information;

1271 (b) determine [~~the type of crimes and the severity that would disqualify~~] when an
1272 individual would be disqualified from holding a position[~~;~~ and] based on:

1273 (i) the type of crimes and the severity of those crimes; or

1274 (ii) one or more substantiated or supported findings of abuse, neglect, or exploitation;
1275 and

1276 (c) identify the appropriate privacy risk mitigation strategy to be used in accordance
1277 with Subsection [53-10-108](#)(13)(b).

1278 Section 23. Section **26B-1-212**, which is renumbered from Section 26-1-17.5 is
1279 renumbered and amended to read:

1280 ~~[26-1-17.5].~~ **26B-1-212. Confidential records.**

1281 (1) A record classified as confidential under this title shall remain confidential, and be
1282 released according to the provisions of this title, notwithstanding Section [63G-2-310](#).

1283 (2) In addition to [~~those persons~~] a person granted access to a private record described
1284 in Subsection [63G-2-302](#)(1)(b), [~~schools, school districts, and local and state health~~
1285 ~~departments and the state Department of Human Services~~] a school, school district, local health
1286 department, and the department may share an immunization record as defined in Section
1287 [53G-9-301](#) or any other record relating to a vaccination or immunization as necessary to ensure
1288 compliance with Title 53G, Chapter 8, Part 3, Physical Restraint of Students, and to prevent,
1289 investigate, and control the causes of epidemic, infectious, communicable, and other diseases
1290 affecting the public health.

1291 Section 24. Section **26B-1-213**, which is renumbered from Section 26-1-5 is
1292 renumbered and amended to read:

1293 ~~[26-1-5].~~ **26B-1-213. Department and committee rules and proceedings.**

1294 (1) (a) Except in areas subject to concurrence between the department and a committee
1295 created under this title, Title 26, Utah Health Code, or Title 62A, Utah Human Services Code,
1296 the department shall have the power to adopt, amend, or rescind rules necessary to carry out the

1297 provisions of this title.

1298 (b) If the adoption of rules under a provision of this title is subject to concurrence
1299 between the department and a committee created under this title and no concurrence can be
1300 reached, the department has final authority to adopt, amend, or rescind rules necessary to carry
1301 out the provisions of this title.

1302 (c) When the provisions of this title require concurrence between the department and a
1303 committee created under this title:

1304 (i) the department shall report to and update the committee on a regular basis related to
1305 matters requiring concurrence; and

1306 (ii) the committee shall review the report submitted by the department under this
1307 Subsection (1)(c) and shall:

1308 (A) concur with the report; or

1309 (B) provide a reason for not concurring with the report and provide an alternative
1310 recommendation to the department.

1311 (2) Rules shall have the force and effect of law and may deal with matters which
1312 materially affect the security of health or the preservation and improvement of public health in
1313 the state, and any matters as to which jurisdiction is conferred upon the department by this title.

1314 (3) Every rule adopted by the department, or by the concurrence of the department and
1315 a committee established under Section 26-1-7 or 26-1-7.5, [~~shall be~~] is subject to Title 63G,
1316 Chapter 3, Utah Administrative Rulemaking Act and [~~shall become~~] is effective at the time and
1317 in the manner provided in that act.

1318 (4) If, at the next general session of the Legislature following the filing of a rule with
1319 the legislative research director, the Legislature passes a bill disapproving such rule, the rule
1320 shall be null and void.

1321 (5) The department or the department in concurrence with a committee created under
1322 Section 26-1-7 or 26-1-7.5, may not adopt a rule identical to a rule disapproved under
1323 Subsection (4) of this section before the beginning of the next general session of the
1324 Legislature following the general session at which the rule was disapproved.

1325 (6) The department and all committees, boards, divisions, and offices created under
1326 this title, Title 26, Utah Health Code, or Title 62A, Utah Human Services Code, shall comply
1327 with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act,

1328 in any adjudicative proceedings.

1329 (7) (a) The department may hold hearings, administer oaths, subpoena witnesses, and
1330 take testimony in matters relating to the exercise and performance of the powers and duties
1331 vested in or imposed upon the department.

1332 (b) The department may, at the department's sole discretion, contract with any other
1333 agency or department of the state to conduct hearings in the name of the department.

1334 Section 25. Section **26B-1-301**, which is renumbered from Section 26-1-16 is
1335 renumbered and amended to read:

1336 **Part 3. Funds and Accounts**

1337 **[26-1-16]. 26B-1-301. Executive director -- Power to accept funds and gifts.**

1338 The executive director may accept and receive such other funds and gifts as may be
1339 made available from private and public groups for the purposes of promoting and protecting
1340 the public health or for the provision of health services to the people of the state and shall
1341 expend the same as appropriated by the ~~[legislature]~~ Legislature.

1342 Section 26. Section **26B-1-302**, which is renumbered from Section 62A-1-202 is
1343 renumbered and amended to read:

1344 **[62A-1-202]. 26B-1-302. National Professional Men's Basketball Team**
1345 **Support of Women and Children Issues Restricted Account.**

1346 (1) There is created in the General Fund a restricted account known as the "National
1347 Professional Men's Basketball Team Support of Women and Children Issues Restricted
1348 Account."

1349 (2) The account shall be funded by:

1350 (a) contributions deposited into the account in accordance with Section [41-1a-422](#);

1351 (b) private contributions; and

1352 (c) donations or grants from public or private entities.

1353 (3) Upon appropriation by the Legislature, the department shall distribute funds in the
1354 account to one or more charitable organizations that:

1355 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

1356 (b) are selected by the owners that, either on an individual or joint basis, own a

1357 controlling interest in a legal entity that is a franchised member of the internationally

1358 recognized national governing body for professional men's basketball in the United States;

1359 (c) are headquartered within the state;

1360 (d) create or support programs that focus on issues affecting women and children
1361 within the state, with an emphasis on health and education; and

1362 (e) have a board of directors that disperses all funds of the organization.

1363 (4) (a) An organization described in Subsection (3) may apply to the department to
1364 receive a distribution in accordance with Subsection (3).

1365 (b) An organization that receives a distribution from the department in accordance with
1366 Subsection (3) shall expend the distribution only to:

1367 (i) create or support programs that focus on issues affecting women and children, with
1368 an emphasis on health and education;

1369 (ii) create or sponsor programs that will benefit residents within the state; and

1370 (iii) pay the costs of issuing or reordering National Professional Men's Basketball
1371 Team Support of Women and Children Issues support special group license plate decals.

1372 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1373 department may make rules providing procedures for an organization to apply to the
1374 department to receive a distribution under this Subsection (4).

1375 (5) In accordance with Section [63J-1-602.1](#), appropriations from the account are
1376 nonlapsing.

1377 Section 27. Section **26B-1-303**, which is renumbered from Section 62A-1-119 is
1378 renumbered and amended to read:

1379 ~~[62A-1-119].~~ **26B-1-303. Respite Care Assistance Fund -- Use of money --**
1380 **Restrictions.**

1381 (1) There is created an expendable special revenue fund known as the Respite Care
1382 Assistance Fund.

1383 (2) The fund shall consist of:

1384 (a) gifts, grants, devises, donations, and bequests of real property, personal property, or
1385 services, from any source, made to the fund; and

1386 (b) any additional amounts as appropriated by the Legislature.

1387 (3) The fund shall be administered by the director of the Utah Developmental
1388 Disabilities Council.

1389 (4) The fund money shall be used for the following activities:

- 1390 (a) to support a respite care information and referral system;
- 1391 (b) to educate and train caregivers and respite care providers; and
- 1392 (c) to provide grants to caregivers.
- 1393 (5) An individual who receives services paid for from the fund shall:
- 1394 (a) be a resident of Utah; and
- 1395 (b) be a primary care giver for:
- 1396 (i) an aging individual; or
- 1397 (ii) an individual with a cognitive, mental, or physical disability.
- 1398 (6) The fund money may not be used for:
- 1399 (a) administrative expenses that are normally provided for by legislative appropriation;
- 1400 or
- 1401 (b) direct services or support mechanisms that are available from or provided by
- 1402 another government or private agency.
- 1403 (7) All interest and other earnings derived from the fund money shall be deposited into
- 1404 the fund.
- 1405 (8) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,
- 1406 State Money Management Act.
- 1407 Section 28. Section **26B-1-304**, which is renumbered from Section 26-1-34 is
- 1408 renumbered and amended to read:
- 1409 ~~[26-1-34].~~ **26B-1-304. Restricted account created to fund drug testing for law**
- 1410 **enforcement agencies.**
- 1411 (1) There is created within the General Fund a restricted account known as the State
- 1412 Laboratory Drug Testing Account.
- 1413 (2) The account consists of a specified portion of fees generated under Subsection
- 1414 [53-3-106](#)(5) from the reinstatement of certain licenses, which shall be deposited in this
- 1415 account.
- 1416 (3) The ~~[Department of Health]~~ department shall use funds in this account solely for
- 1417 the costs of performing drug and alcohol analysis tests for state and local law enforcement
- 1418 agencies, and may not assess any charge or fee to the law enforcement agencies for whom the
- 1419 analysis tests are performed.
- 1420 Section 29. Section **26B-1-305** is enacted to read:

1421 26B-1-305. Department of Health and Human Services Transition Restricted
1422 Account.

1423 (1) There is created a restricted account within the General Fund known as the
1424 "Department of Health and Human Services Transition Restricted Account."

1425 (2) The restricted account shall consist of appropriations made by the Legislature.

1426 (3) Subject to appropriation, the transition agencies and the department may spend
1427 money from the restricted account to pay for expenses related to moving the transition agencies
1428 into the department, including staff and legal services.

1429 Section 30. Section **26B-2-101** is enacted to read:

1430 **26B-2-101. Clinical services -- Reserved.**

1431 Reserved

1432 Section 31. Section **26B-3-101** is enacted to read:

1433 **26B-3-101. Licensing and oversight -- Reserved.**

1434 Reserved

1435 Section 32. Section **26B-4-101** is enacted to read:

1436 **26B-4-101. Health care administration -- Reserved.**

1437 Reserved

1438 Section 33. Section **26B-5-101** is enacted to read:

1439 **26B-5-101. Health care services -- Reserved.**

1440 Reserved

1441 Section 34. Section **26B-6-101** is enacted to read:

1442 **26B-6-101. Long-term services and supports -- Reserved.**

1443 Reserved

1444 Section 35. Section **26B-7-101** is enacted to read:

1445 **26B-7-101. Public health, prevention, and epidemiology -- Reserved.**

1446 Reserved

1447 Section 36. Section **26B-8-101** is enacted to read:

1448 **26B-8-101. Children, youth, and families -- Reserved.**

1449 Reserved

1450 Section 37. Section **26B-9-101** is enacted to read:

1451 **26B-9-101. Miscellaneous provisions -- Reserved.**

1452 Reserved

1453 Section 38. Section **35A-3-103 (Effective 07/01/22)** is amended to read:

1454 **35A-3-103 (Effective 07/01/22). Department responsibilities.**

1455 The department shall:

1456 (1) administer public assistance programs assigned by the Legislature and the
1457 governor;

1458 (2) determine eligibility for public assistance programs in accordance with the
1459 requirements of this chapter;

1460 (3) cooperate with the federal government in the administration of public assistance
1461 programs;

1462 (4) administer state employment services;

1463 (5) provide for the compilation of necessary or desirable information, statistics, and
1464 reports;

1465 (6) perform other duties and functions required by law;

1466 (7) monitor the application of eligibility policy;

1467 (8) develop personnel training programs for effective and efficient operation of the
1468 programs administered by the department;

1469 (9) provide refugee resettlement services in accordance with Section [35A-3-701](#);

1470 (10) provide child care assistance for children in accordance with Part 2, Office of
1471 Child Care;

1472 (11) provide services that enable an applicant or recipient to qualify for affordable
1473 housing in cooperation with:

1474 (a) the Utah Housing Corporation;

1475 (b) the Housing and Community Development Division; and

1476 (c) local housing authorities;

1477 ~~[(12) in accordance with 42 C.F.R. Sec. 431.10, develop non-clinical eligibility policy~~
1478 ~~and procedures to implement the eligibility state plan, waivers, and administrative rules~~
1479 ~~developed and issued by the Department of Health and Human Services for medical assistance~~
1480 ~~under:]~~

1481 ~~[(a) Title 26, Chapter 18, Medical Assistance Act; and]~~

1482 ~~[(b) Title 26, Chapter 40, Utah Children's Health Insurance Act;]~~

1483 ~~[(13)]~~ (12) administer the Medicaid Eligibility Quality Control function in accordance
1484 with 42 C.F.R. Sec. 431.812; and

1485 ~~[(14)]~~ (13) conduct non-clinical eligibility hearings and issue final decisions in
1486 adjudicative proceedings, including expedited appeals as defined in 42 C.F.R. Sec. 431.224, for
1487 medical assistance eligibility under:

1488 (a) Title 26, Chapter 18, Medical Assistance Act; or

1489 (b) Title 26, Chapter 40, Utah Children's Health Insurance Act.

1490 Section 39. Section **62A-1-104** is amended to read:

1491 **62A-1-104. Definitions.**

1492 (1) As used in this title:

1493 (a) "Competency evaluation" means the same as that term is defined in Section
1494 [77-15-2](#).

1495 (b) "Concurrence of the board" means agreement by a majority of the members of a
1496 board.

1497 (c) "Department" means the Department of Health and Human Services [~~established in~~
1498 ~~Section [62A-1-102](#)~~] created in Section [26B-1-201](#).

1499 (d) "Executive director" means the executive director of the department, appointed
1500 under Section [~~[62A-1-108](#)~~] [26B-1-203](#).

1501 (e) "Forensic evaluator" means the same as that term is defined in Section [77-15-2](#).

1502 (f) "Stabilization services" means in-home services provided to a child with, or who is
1503 at risk for, complex emotional and behavioral needs, including teaching the child's parent or
1504 guardian skills to improve family functioning.

1505 (g) "System of care" means a broad, flexible array of services and supports that:

1506 (i) serves a child with or who is at risk for complex emotional and behavioral needs;

1507 (ii) is community based;

1508 (iii) is informed about trauma;

1509 (iv) builds meaningful partnerships with families and children;

1510 (v) integrates service planning, service coordination, and management across state and
1511 local entities;

1512 (vi) includes individualized case planning;

1513 (vii) provides management and policy infrastructure that supports a coordinated

1514 network of interdepartmental service providers, contractors, and service providers who are
1515 outside of the department; and

1516 (viii) is guided by the type and variety of services needed by a child with or who is at
1517 risk for complex emotional and behavioral needs and by the child's family.

1518 (2) The definitions provided in Subsection (1) are to be applied in addition to
1519 definitions contained throughout this title that are applicable to specified chapters or parts.

1520 Section 40. Section **62A-15-102** is amended to read:

1521 **62A-15-102. Definitions.**

1522 As used in this chapter:

1523 (1) "Criminal risk factors" means a person's characteristics and behaviors that:

1524 (a) affect the person's risk of engaging in criminal behavior; and

1525 (b) are diminished when addressed by effective treatment, supervision, and other
1526 support resources, resulting in reduced risk of criminal behavior.

1527 (2) "Director" means the director [~~of the Division of Substance Abuse and Mental~~
1528 ~~Health~~] appointed under Section [62A-15-104](#).

1529 (3) "Division" means the Division of [~~Substance Abuse and Mental Health established~~
1530 ~~in Section [62A-15-103](#)~~] Integrated Healthcare created in Section [26B-1-202](#).

1531 (4) "Local mental health authority" means a county legislative body.

1532 (5) "Local substance abuse authority" means a county legislative body.

1533 (6) "Mental health crisis" means:

1534 (a) a mental health condition that manifests in an individual by symptoms of sufficient
1535 severity that a prudent layperson who possesses an average knowledge of mental health issues
1536 could reasonably expect the absence of immediate attention or intervention to result in:

1537 (i) serious danger to the individual's health or well-being; or

1538 (ii) a danger to the health or well-being of others; or

1539 (b) a mental health condition that, in the opinion of a mental health therapist or the
1540 therapist's designee, requires direct professional observation or intervention.

1541 (7) "Mental health crisis response training" means community-based training that
1542 educates laypersons and professionals on the warning signs of a mental health crisis and how to
1543 respond.

1544 (8) "Mental health crisis services" means an array of services provided to an individual

1545 who experiences a mental health crisis, which may include:

- 1546 (a) direct mental health services;
- 1547 (b) on-site intervention provided by a mobile crisis outreach team;
- 1548 (c) the provision of safety and care plans;
- 1549 (d) prolonged mental health services for up to 90 days after the day on which an

1550 individual experiences a mental health crisis;

- 1551 (e) referrals to other community resources;
 - 1552 (f) local mental health crisis lines; and
 - 1553 (g) the statewide mental health crisis line.
- 1554 (9) "Mental health therapist" means the same as that term is defined in Section

1555 [58-60-102](#).

1556 (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and

1557 mental health professionals that, in coordination with local law enforcement and emergency

1558 medical service personnel, provides mental health crisis services.

1559 (11) (a) "Public funds" means federal money received from the [~~Department of Human~~

1560 ~~Services or the Department of Health~~] department, and state money appropriated by the

1561 Legislature to the [~~Department of Human Services, the Department of Health~~] department, a

1562 county governing body, or a local substance abuse authority, or a local mental health authority

1563 for the purposes of providing substance abuse or mental health programs or services.

1564 (b) "Public funds" include federal and state money that has been transferred by a local

1565 substance abuse authority or a local mental health authority to a private provider under an

1566 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental

1567 health programs or services for the local substance abuse authority or local mental health

1568 authority. The money maintains the nature of "public funds" while in the possession of the

1569 private entity that has an annual or otherwise ongoing contract with a local substance abuse

1570 authority or a local mental health authority to provide comprehensive substance abuse or

1571 mental health programs or services for the local substance abuse authority or local mental

1572 health authority.

1573 (c) Public funds received for the provision of services [~~pursuant to~~] under substance

1574 abuse or mental health service plans may not be used for any other purpose except those

1575 authorized in the contract between the local mental health or substance abuse authority and

1576 provider for the provision of plan services.

1577 (12) "Severe mental disorder" means schizophrenia, major depression, bipolar
1578 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by
1579 the division.

1580 (13) "Statewide mental health crisis line" means the same as that term is defined in
1581 Section [62A-15-1301](#).

1582 Section 41. Section **62A-15-103** is amended to read:

1583 **62A-15-103. Division -- Responsibilities.**

1584 (1) (a) [~~There is created~~] The division shall exercise responsibility over the
1585 policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities
1586 outlined in state law that were previously vested in the Division of Substance Abuse and
1587 Mental Health within the department, under the administration and general supervision of the
1588 executive director.

1589 (b) The division is the substance abuse authority and the mental health authority for
1590 this state.

1591 (2) The division shall:

1592 (a) (i) educate the general public regarding the nature and consequences of substance
1593 abuse by promoting school and community-based prevention programs;

1594 (ii) render support and assistance to public schools through approved school-based
1595 substance abuse education programs aimed at prevention of substance abuse;

1596 (iii) promote or establish programs for the prevention of substance abuse within the
1597 community setting through community-based prevention programs;

1598 (iv) cooperate with and assist treatment centers, recovery residences, and other
1599 organizations that provide services to individuals recovering from a substance abuse disorder,
1600 by identifying and disseminating information about effective practices and programs;

1601 (v) except as provided in Section [62A-15-103.5](#), make rules in accordance with Title
1602 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public
1603 and private programs, minimum standards for public and private providers of substance abuse
1604 and mental health programs licensed by the department under [~~Title 62A,~~] Chapter 2, Licensure
1605 of Programs and Facilities;

1606 (vi) promote integrated programs that address an individual's substance abuse, mental

1607 health, physical health, and criminal risk factors;

1608 (vii) establish and promote an evidence-based continuum of screening, assessment,
1609 prevention, treatment, and recovery support services in the community for individuals with
1610 substance use disorder and mental illness that addresses criminal risk factors;

1611 (viii) evaluate the effectiveness of programs described in this Subsection (2);

1612 (ix) consider the impact of the programs described in this Subsection (2) on:

1613 (A) emergency department utilization;

1614 (B) jail and prison populations;

1615 (C) the homeless population; and

1616 (D) the child welfare system; and

1617 (x) promote or establish programs for education and certification of instructors to
1618 educate individuals convicted of driving under the influence of alcohol or drugs or driving with
1619 any measurable controlled substance in the body;

1620 (b) (i) collect and disseminate information pertaining to mental health;

1621 (ii) provide direction over the state hospital including approval of the state hospital's
1622 budget, administrative policy, and coordination of services with local service plans;

1623 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1624 Rulemaking Act, to educate families concerning mental illness and promote family
1625 involvement, when appropriate, and with patient consent, in the treatment program of a family
1626 member; and

1627 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1628 Rulemaking Act, to direct that an individual receiving services through a local mental health
1629 authority or the Utah State Hospital be informed about and, if desired by the individual,
1630 provided assistance in the completion of a declaration for mental health treatment in
1631 accordance with Section [62A-15-1002](#);

1632 (c) (i) consult and coordinate with local substance abuse authorities and local mental
1633 health authorities regarding programs and services;

1634 (ii) provide consultation and other assistance to public and private agencies and groups
1635 working on substance abuse and mental health issues;

1636 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
1637 medical and social agencies, public health authorities, law enforcement agencies, education and

- 1638 research organizations, and other related groups;
- 1639 (iv) promote or conduct research on substance abuse and mental health issues, and
- 1640 submit to the governor and the Legislature recommendations for changes in policy and
- 1641 legislation;
- 1642 (v) receive, distribute, and provide direction over public funds for substance abuse and
- 1643 mental health services;
- 1644 (vi) monitor and evaluate programs provided by local substance abuse authorities and
- 1645 local mental health authorities;
- 1646 (vii) examine expenditures of local, state, and federal funds;
- 1647 (viii) monitor the expenditure of public funds by:
- 1648 (A) local substance abuse authorities;
- 1649 (B) local mental health authorities; and
- 1650 (C) in counties where they exist, a private contract provider that has an annual or
- 1651 otherwise ongoing contract to provide comprehensive substance abuse or mental health
- 1652 programs or services for the local substance abuse authority or local mental health authority;
- 1653 (ix) contract with local substance abuse authorities and local mental health authorities
- 1654 to provide a comprehensive continuum of services that include community-based services for
- 1655 individuals involved in the criminal justice system, in accordance with division policy, contract
- 1656 provisions, and the local plan;
- 1657 (x) contract with private and public entities for special statewide or nonclinical
- 1658 services, or services for individuals involved in the criminal justice system, according to
- 1659 division rules;
- 1660 (xi) review and approve each local substance abuse authority's plan and each local
- 1661 mental health authority's plan in order to ensure:
- 1662 (A) a statewide comprehensive continuum of substance abuse services;
- 1663 (B) a statewide comprehensive continuum of mental health services;
- 1664 (C) services result in improved overall health and functioning;
- 1665 (D) a statewide comprehensive continuum of community-based services designed to
- 1666 reduce criminal risk factors for individuals who are determined to have substance abuse or
- 1667 mental illness conditions or both, and who are involved in the criminal justice system;
- 1668 (E) compliance, where appropriate, with the certification requirements in Subsection

1669 (2)(j); and
1670 (F) appropriate expenditure of public funds;
1671 (xii) review and make recommendations regarding each local substance abuse
1672 authority's contract with the local substance abuse authority's provider of substance abuse
1673 programs and services and each local mental health authority's contract with the local mental
1674 health authority's provider of mental health programs and services to ensure compliance with
1675 state and federal law and policy;
1676 (xiii) monitor and ensure compliance with division rules and contract requirements;
1677 and
1678 (xiv) withhold funds from local substance abuse authorities, local mental health
1679 authorities, and public and private providers for contract noncompliance, failure to comply
1680 with division directives regarding the use of public funds, or for misuse of public funds or
1681 money;
1682 (d) ensure that the requirements of this part are met and applied uniformly by local
1683 substance abuse authorities and local mental health authorities across the state;
1684 (e) require each local substance abuse authority and each local mental health authority,
1685 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to
1686 the division on or before May 15 of each year;
1687 (f) conduct an annual program audit and review of each local substance abuse authority
1688 and each local substance abuse authority's contract provider, and each local mental health
1689 authority and each local mental health authority's contract provider, including:
1690 (i) a review and determination regarding whether:
1691 (A) public funds allocated to the local substance abuse authority or the local mental
1692 health authorities are consistent with services rendered by the authority or the authority's
1693 contract provider, and with outcomes reported by the authority's contract provider; and
1694 (B) each local substance abuse authority and each local mental health authority is
1695 exercising sufficient oversight and control over public funds allocated for substance use
1696 disorder and mental health programs and services; and
1697 (ii) items determined by the division to be necessary and appropriate;
1698 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
1699 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

- 1700 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
1701 supports services to an individual with:
- 1702 (A) a substance use disorder;
 - 1703 (B) a mental health disorder; or
 - 1704 (C) a substance use disorder and a mental health disorder;
- 1705 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
1706 adult as a peer support specialist;
- 1707 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1708 Rulemaking Act, that:
- 1709 (A) establish training and certification requirements for a peer support specialist;
 - 1710 (B) specify the types of services a peer support specialist is qualified to provide;
 - 1711 (C) specify the type of supervision under which a peer support specialist is required to
1712 operate; and
 - 1713 (D) specify continuing education and other requirements for maintaining or renewing
1714 certification as a peer support specialist; and
- 1715 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1716 Rulemaking Act, that:
- 1717 (A) establish the requirements for a person to be certified to carry out, as needed, the
1718 division's duty to train and certify an adult as a peer support specialist; and
 - 1719 (B) specify how the division shall provide oversight of a person certified to train and
1720 certify a peer support specialist;
- 1721 (i) except as provided in Section [62A-15-103.5](#), establish by rule, in accordance with
1722 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and
1723 requirements for the provision of substance use disorder and mental health treatment to an
1724 individual who is incarcerated or who is required to participate in treatment by a court or by the
1725 Board of Pardons and Parole, including:
- 1726 (i) collaboration with the Department of Corrections and the Utah Substance Use and
1727 Mental Health Advisory Council to develop and coordinate the standards, including standards
1728 for county and state programs serving individuals convicted of class A and class B
1729 misdemeanors;
 - 1730 (ii) determining that the standards ensure available treatment, including the most

1731 current practices and procedures demonstrated by recognized scientific research to reduce
1732 recidivism, including focus on the individual's criminal risk factors; and

1733 (iii) requiring that all public and private treatment programs meet the standards
1734 established under this Subsection (2)(i) in order to receive public funds allocated to the
1735 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
1736 for the costs of providing screening, assessment, prevention, treatment, and recovery support;

1737 (j) except as provided in Section 62A-15-103.5, establish by rule, in accordance with
1738 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures
1739 for the certification of licensed public and private providers, including individuals licensed by
1740 the Division of Occupational and Professional Licensing, programs licensed by the department,
1741 and health care facilities licensed by the [~~Department of Health~~] department, who provide, as
1742 part of their practice, substance use disorder and mental health treatment to an individual
1743 involved in the criminal justice system, including:

1744 (i) collaboration with the Department of Corrections, the Utah Substance Use and
1745 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,
1746 and implement the certification process;

1747 (ii) basing the certification process on the standards developed under Subsection (2)(i)
1748 for the treatment of an individual involved in the criminal justice system; and

1749 (iii) the requirement that a public or private provider of treatment to an individual
1750 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
1751 shall renew the certification every two years, in order to qualify for funds allocated to the
1752 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
1753 on or after July 1, 2016;

1754 (k) collaborate with the Commission on Criminal and Juvenile Justice to analyze and
1755 provide recommendations to the Legislature regarding:

1756 (i) pretrial services and the resources needed to reduce recidivism;

1757 (ii) county jail and county behavioral health early-assessment resources needed for an
1758 offender convicted of a class A or class B misdemeanor; and

1759 (iii) the replacement of federal dollars associated with drug interdiction law
1760 enforcement task forces that are reduced;

1761 (l) (i) establish performance goals and outcome measurements for all treatment

1762 programs for which minimum standards are established under Subsection (2)(i), including
1763 recidivism data and data regarding cost savings associated with recidivism reduction and the
1764 reduction in the number of inmates, that are obtained in collaboration with the Administrative
1765 Office of the Courts and the Department of Corrections; and

1766 (ii) collect data to track and determine whether the goals and measurements are being
1767 attained and make this information available to the public;

1768 (m) in the division's discretion, use the data to make decisions regarding the use of
1769 funds allocated to the division, the Administrative Office of the Courts, and the Department of
1770 Corrections to provide treatment for which standards are established under Subsection (2)(i);

1771 (n) annually, on or before August 31, submit the data collected under Subsection (2)(k)
1772 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings
1773 based on the data and provide the report to the Judiciary Interim Committee, the Health and
1774 Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim
1775 Committee, and the related appropriations subcommittees; and

1776 (o) consult and coordinate with [~~the Department of Health and~~] the Division of Child
1777 and Family Services to develop and manage the operation of a program designed to reduce
1778 substance abuse during pregnancy and by parents of a newborn child that includes:

1779 (i) providing education and resources to health care providers and individuals in the
1780 state regarding prevention of substance abuse during pregnancy;

1781 (ii) providing training to health care providers in the state regarding screening of a
1782 pregnant woman or pregnant minor to identify a substance abuse disorder; and

1783 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn
1784 child in need of substance abuse treatment services to a facility that has the capacity to provide
1785 the treatment services.

1786 (3) In addition to the responsibilities described in Subsection (2), the division shall,
1787 within funds appropriated by the Legislature for this purpose, implement and manage the
1788 operation of a firearm safety and suicide prevention program, in consultation with the Bureau
1789 of Criminal Identification created in Section [53-10-201](#), including:

1790 (a) coordinating with [~~the Department of Health;~~] local mental health and substance
1791 abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a
1792 Utah-based nonprofit organization with expertise in the field of firearm use and safety that

1793 represents firearm owners, to:

1794 (i) produce and periodically review and update a firearm safety brochure and other
1795 educational materials with information about the safe handling and use of firearms that
1796 includes:

1797 (A) information on safe handling, storage, and use of firearms in a home environment;

1798 (B) information about at-risk individuals and individuals who are legally prohibited
1799 from possessing firearms;

1800 (C) information about suicide prevention awareness; and

1801 (D) information about the availability of firearm safety packets;

1802 (ii) procure cable-style gun locks for distribution under this section;

1803 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
1804 cable-style gun lock described in this Subsection (3); and

1805 (iv) create a suicide prevention education course that:

1806 (A) provides information for distribution regarding firearm safety education;

1807 (B) incorporates current information on how to recognize suicidal behaviors and
1808 identify individuals who may be suicidal; and

1809 (C) provides information regarding crisis intervention resources;

1810 (b) distributing, free of charge, the firearm safety packet to the following persons, who
1811 shall make the firearm safety packet available free of charge:

1812 (i) health care providers, including emergency rooms;

1813 (ii) mobile crisis outreach teams;

1814 (iii) mental health practitioners;

1815 (iv) other public health suicide prevention organizations;

1816 (v) entities that teach firearm safety courses;

1817 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents
1818 of students in the school district; and

1819 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);

1820 (c) creating and administering a rebate program that includes a rebate that offers
1821 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms
1822 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

1823 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

1824 making rules that establish procedures for:

1825 (i) producing and distributing the suicide prevention education course and the firearm
1826 safety brochures and packets;

1827 (ii) procuring the cable-style gun locks for distribution; and

1828 (iii) administering the rebate program; and

1829 (e) reporting to the Health and Human Services Interim Committee regarding
1830 implementation and success of the firearm safety program and suicide prevention education
1831 course at or before the November meeting each year.

1832 (4) (a) The division may refuse to contract with and may pursue legal remedies against
1833 any local substance abuse authority or local mental health authority that fails, or has failed, to
1834 expend public funds in accordance with state law, division policy, contract provisions, or
1835 directives issued in accordance with state law.

1836 (b) The division may withhold funds from a local substance abuse authority or local
1837 mental health authority if the authority's contract provider of substance abuse or mental health
1838 programs or services fails to comply with state and federal law or policy.

1839 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
1840 or local mental health authority, the division shall review and determine whether the local
1841 substance abuse authority or local mental health authority is complying with the oversight and
1842 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and
1843 [17-43-309](#).

1844 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
1845 liability described in Section [17-43-303](#) and to the responsibility and liability described in
1846 Section [17-43-203](#).

1847 (6) In carrying out the division's duties and responsibilities, the division may not
1848 duplicate treatment or educational facilities that exist in other divisions or departments of the
1849 state, but shall work in conjunction with those divisions and departments in rendering the
1850 treatment or educational services that those divisions and departments are competent and able
1851 to provide.

1852 (7) The division may accept in the name of and on behalf of the state donations, gifts,
1853 devises, or bequests of real or personal property or services to be used as specified by the
1854 donor.

1855 (8) The division shall annually review with each local substance abuse authority and
1856 each local mental health authority the authority's statutory and contract responsibilities
1857 regarding:

- 1858 (a) use of public funds;
1859 (b) oversight of public funds; and
1860 (c) governance of substance use disorder and mental health programs and services.

1861 (9) The Legislature may refuse to appropriate funds to the division upon the division's
1862 failure to comply with the provisions of this part.

1863 (10) If a local substance abuse authority contacts the division under Subsection
1864 [17-43-201](#)(10) for assistance in providing treatment services to a pregnant woman or pregnant
1865 minor, the division shall:

- 1866 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
1867 capacity to provide the treatment services; or
1868 (b) otherwise ensure that treatment services are made available to the pregnant woman
1869 or pregnant minor.

1870 (11) The division shall employ a school-based mental health specialist to be housed at
1871 the State Board of Education who shall work with the State Board of Education to:

- 1872 (a) provide coordination between a local education agency and local mental health
1873 authority;
1874 (b) recommend evidence-based and evidence informed mental health screenings and
1875 intervention assessments for a local education agency; and
1876 (c) coordinate with the local community, including local departments of health, to
1877 enhance and expand mental health related resources for a local education agency.

1878 Section 42. Section **62A-15-104** is amended to read:

1879 **62A-15-104. Director -- Qualifications.**

1880 (1) The [~~director of the division shall be appointed by the~~] executive director shall
1881 appoint an individual to carry out all or part of the duties and responsibilities of the director
1882 described in this part.

1883 (2) The director appointed under Subsection (1) shall have a bachelor's degree from an
1884 accredited university or college, be experienced in administration, and be knowledgeable in
1885 matters concerning substance abuse and mental health.

1886 [~~3~~] ~~The director is the administrative head of the division.]~~
1887 Section 43. Section **63I-2-226** is amended to read:
1888 **63I-2-226. Repeal dates -- Titles 26 through 26B.**
1889 [~~1~~] ~~Subsection 26-1-7(1)(c), in relation to the Air Ambulance Committee, is repealed~~
1890 ~~July 1, 2024.]~~
1891 [~~2~~] (1) Section 26-4-6.1 is repealed January 1, 2022.
1892 [~~3~~] ~~Section 26-6-41, in relation to termination of public health emergency powers~~
1893 ~~pertaining to COVID-19, is repealed on July 1, 2021.]~~
1894 [~~4~~] (2) Subsection 26-7-8(3) is repealed January 1, 2027.
1895 [~~5~~] (3) Section 26-8a-107 is repealed July 1, 2024.
1896 [~~6~~] (4) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.
1897 [~~7~~] (5) Section 26-8a-211 is repealed July 1, 2023.
1898 [~~8~~] (6) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
1899 26-8a-602(1)(a) is amended to read:
1900 "(a) provide the patient or the patient's representative with the following information
1901 before contacting an air medical transport provider:
1902 (i) which health insurers in the state the air medical transport provider contracts with;
1903 (ii) if sufficient data is available, the average charge for air medical transport services
1904 for a patient who is uninsured or out of network; and
1905 (iii) whether the air medical transport provider balance bills a patient for any charge
1906 not paid by the patient's health insurer; and".
1907 [~~9~~] (7) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.
1908 [~~10~~] (8) Subsection 26-18-411(8), related to reporting on the health coverage
1909 improvement program, is repealed January 1, 2023.
1910 [~~11~~] (9) Subsection 26-18-420(5), related to reporting on coverage for in vitro
1911 fertilization and genetic testing, is repealed July 1, 2030.
1912 [~~12~~] (10) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
1913 26-21-32(1)(a) is amended to read:
1914 "(a) provide the patient or the patient's representative with the following information
1915 before contacting an air medical transport provider:
1916 (i) which health insurers in the state the air medical transport provider contracts with;

1917 (ii) if sufficient data is available, the average charge for air medical transport services
 1918 for a patient who is uninsured or out of network; and

1919 (iii) whether the air medical transport provider balance bills a patient for any charge
 1920 not paid by the patient's health insurer; and".

1921 [~~(13)~~] (11) Subsection [26-33a-106.1\(2\)\(a\)](#) is repealed January 1, 2023.

1922 [~~(14)~~] (12) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
 1923 Program, is repealed July 1, 2027.

1924 [~~(15)~~] (13) Subsection [26-61-202\(4\)\(b\)](#) is repealed January 1, 2022.

1925 [~~(16)~~] (14) Subsection [26-61-202\(5\)](#) is repealed January 1, 2022.

1926 [~~(17)~~ Section [26A-1-130](#), in relation to termination of public health emergency powers
 1927 pertaining to COVID-19, is repealed on July 1, 2021.]

1928 [~~(18)~~ Section [26B-1-201.1](#) is repealed July 1, 2022.]

1929 (15) Subsection [26B-1-204\(2\)\(f\)](#), relating to the Air Ambulance Committee, is
 1930 repealed July 1, 2024.

1931 Section 44. **Repealer.**

1932 This bill repeals:

1933 Section [26-1-1](#), Title cited as "Utah Health Code."

1934 Section [26-1-3](#), Purpose of title -- Consolidation of health functions into single state
 1935 agency.

1936 Section [26-1-4.1](#), Department procedures -- Adjudicative proceedings.

1937 Section [26-1-7](#), Committees within department.

1938 Section [26-1-7.1](#), Committee procedures -- Adjudicative proceedings.

1939 Section [26-1-8](#), Executive director -- Appointment -- Compensation.

1940 Section [26-1-9](#), Executive director -- Qualifications.

1941 Section [26-1-13](#), Executive director -- Power to organize department.

1942 Section [26-1-14](#), Executive director -- Appointment, removal, and compensation of
 1943 division directors.

1944 Section [26-1-15](#), Executive director -- Power to accept federal aid.

1945 Section [26-1-17](#), Executive director -- Power to prescribe rules for administration
 1946 and government of department.

1947 Section [26-1-18](#), Authority of department generally.

- 1948 Section **26-1-20**, **Advisory committees created by department.**
- 1949 Section **26-1-21**, **Disposal of property by department.**
- 1950 Section **26-1-22**, **Budget preparation and submission to governor.**
- 1951 Section **26-1-23**, **Regulations for local health departments prescribed by**
- 1952 **department -- Local standards not more stringent than federal or state standards --**
- 1953 **Exceptions for written findings.**
- 1954 Section **26-1-24**, **Hearings conducted by department.**
- 1955 Section **26-1-25**, **Principal and branch offices of department.**
- 1956 Section **26-1-30**, **Powers and duties of department.**
- 1957 Section **26B-1-101**, **Title.**
- 1958 Section **62A-1-101**, **Short title.**
- 1959 Section **62A-1-102**, **Department of Human Services -- Creation.**
- 1960 Section **62A-1-106**, **Adjudicative proceedings.**
- 1961 Section **62A-1-110**, **Executive director -- Jurisdiction over division and office**
- 1962 **directors -- Authority.**
- 1963 Section **62A-1-114**, **Department is state agency for specified federal programs --**
- 1964 **Development of state plans and programs.**
- 1965 Section **62A-1-118**, **Access to abuse and neglect information to screen employees**
- 1966 **and volunteers.**
- 1967 Section **62A-5-304**, **Limited admission of persons convicted of felony offenses.**
- 1968 Section 45. **Effective date.**
- 1969 This bill takes effect on July 1, 2022.