

Part 2 Local Substance Abuse Authorities

17-43-201 Local substance abuse authorities -- Responsibilities.

- (1)
 - (a)
 - (i) In each county operating under a county executive-council form of government under Section 17-52-504, the county legislative body is the local substance abuse authority, provided however that any contract for plan services shall be administered by the county executive.
 - (ii) In each county operating under a council-manager form of government under Section 17-52-505, the county manager is the local substance abuse authority.
 - (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the county legislative body is the local substance abuse authority.
 - (b) Within legislative appropriations and county matching funds required by this section, and under the direction of the division, each local substance abuse authority shall:
 - (i) develop substance abuse prevention and treatment services plans;
 - (ii) provide substance abuse services to residents of the county; and
 - (iii) cooperate with efforts of the Division of Substance Abuse and Mental Health to promote integrated programs that address an individual's substance abuse, mental health, and physical healthcare needs, as described in Section 62A-15-103.
 - (c) Within legislative appropriations and county matching funds required by this section, each local substance abuse authority shall cooperate with the efforts of the Department of Human Services to promote a system of care, as defined in Section 62A-1-104, for minors with or at risk for complex emotional and behavioral needs, as described in Section 62A-1-111.
- (2)
 - (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, two or more counties may join to:
 - (i) provide substance abuse prevention and treatment services; or
 - (ii) create a united local health department that provides substance abuse treatment services, mental health services, and local health department services in accordance with Subsection (3).
 - (b) The legislative bodies of counties joining to provide services may establish acceptable ways of apportioning the cost of substance abuse services.
 - (c) Each agreement for joint substance abuse services shall:
 - (i)
 - (A) designate the treasurer of one of the participating counties or another person as the treasurer for the combined substance abuse authorities and as the custodian of money available for the joint services; and
 - (B) provide that the designated treasurer, or other disbursing officer authorized by the treasurer, may make payments from the money for the joint services upon audit of the appropriate auditing officer or officers representing the participating counties;
 - (ii) provide for the appointment of an independent auditor or a county auditor of one of the participating counties as the designated auditing officer for the combined substance abuse authorities;
 - (iii)

- (A) provide for the appointment of the county or district attorney of one of the participating counties as the designated legal officer for the combined substance abuse authorities; and
- (B) authorize the designated legal officer to request and receive the assistance of the county or district attorneys of the other participating counties in defending or prosecuting actions within their counties relating to the combined substance abuse authorities; and
- (iv) provide for the adoption of management, clinical, financial, procurement, personnel, and administrative policies as already established by one of the participating counties or as approved by the legislative body of each participating county or interlocal board.
- (d) An agreement for joint substance abuse services may provide for joint operation of services and facilities or for operation of services and facilities under contract by one participating local substance abuse authority for other participating local substance abuse authorities.
- (3) A county governing body may elect to combine the local substance abuse authority with the local mental health authority created in Part 3, Local Mental Health Authorities, and the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department Act, to create a united local health department under Section 26A-1-105.5. A local substance abuse authority that joins a united local health department shall comply with this part.
- (4)
 - (a) Each local substance abuse authority is accountable to the department, the Department of Health, and the state with regard to the use of state and federal funds received from those departments for substance abuse services, regardless of whether the services are provided by a private contract provider.
 - (b) Each local substance abuse authority shall comply, and require compliance by its contract provider, with all directives issued by the department and the Department of Health regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing substance abuse programs and services. The department and Department of Health shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local substance abuse authorities with regard to programs and services.
- (5) Each local substance abuse authority shall:
 - (a) review and evaluate substance abuse prevention and treatment needs and services, including substance abuse needs and services for individuals incarcerated in a county jail or other county correctional facility;
 - (b) annually prepare and submit to the division a plan approved by the county legislative body for funding and service delivery that includes:
 - (i) provisions for services, either directly by the substance abuse authority or by contract, for adults, youth, and children, including those incarcerated in a county jail or other county correctional facility; and
 - (ii) primary prevention, targeted prevention, early intervention, and treatment services;
 - (c) establish and maintain, either directly or by contract, programs licensed under Title 62A, Chapter 2, Licensure of Programs and Facilities;
 - (d) appoint directly or by contract a full or part time director for substance abuse programs, and prescribe the director's duties;
 - (e) provide input and comment on new and revised rules established by the division;
 - (f) establish and require contract providers to establish administrative, clinical, procurement, personnel, financial, and management policies regarding substance abuse services and facilities, in accordance with the rules of the division, and state and federal law;
 - (g) establish mechanisms allowing for direct citizen input;

- (h) annually contract with the division to provide substance abuse programs and services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and Mental Health Act;
 - (i) comply with all applicable state and federal statutes, policies, audit requirements, contract requirements, and any directives resulting from those audits and contract requirements;
 - (j) promote or establish programs for the prevention of substance abuse within the community setting through community-based prevention programs;
 - (k) provide funding equal to at least 20% of the state funds that it receives to fund services described in the plan;
 - (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
 - (m) for persons convicted of driving under the influence in violation of Section 41-6a-502 or 41-6a-517, conduct the following as defined in Section 41-6a-501:
 - (i) a screening;
 - (ii) an assessment;
 - (iii) an educational series; and
 - (iv) substance abuse treatment; and
 - (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to supplement the cost of providing the services described in Subsection (5)(m).
- (6) Before disbursing any public funds, each local substance abuse authority shall require that each entity that receives any public funds from the local substance abuse authority agrees in writing that:
- (a) the entity's financial records and other records relevant to the entity's performance of the services provided to the local substance abuse authority shall be subject to examination by:
 - (i) the division;
 - (ii) the local substance abuse authority director;
 - (iii)
 - (A) the county treasurer and county or district attorney; or
 - (B) if two or more counties jointly provide substance abuse services under an agreement under Subsection (2), the designated treasurer and the designated legal officer;
 - (iv) the county legislative body; and
 - (v) in a county with a county executive that is separate from the county legislative body, the county executive;
 - (b) the county auditor may examine and audit the entity's financial and other records relevant to the entity's performance of the services provided to the local substance abuse authority; and
 - (c) the entity will comply with the provisions of Subsection (4)(b).
- (7) A local substance abuse authority may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for substance abuse services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.
- (8)
- (a) As used in this section, "public funds" means the same as that term is defined in Section 17-43-203.
 - (b) Public funds received for the provision of services pursuant to the local substance abuse plan may not be used for any other purpose except those authorized in the contract between the local substance abuse authority and the provider for the provision of plan services.

- (9) Subject to the requirements of the federal Substance Abuse Prevention and Treatment Block Grant, Pub. L. No. 102-321, a local substance abuse authority shall ensure that all substance abuse treatment programs that receive public funds:
- (a) accept and provide priority for admission to a pregnant woman or a pregnant minor; and
 - (b) if admission of a pregnant woman or a pregnant minor is not possible within 24 hours of the time that a request for admission is made, provide a comprehensive referral for interim services that:
 - (i) are accessible to the pregnant woman or pregnant minor;
 - (ii) are best suited to provide services to the pregnant woman or pregnant minor;
 - (iii) may include:
 - (A) counseling;
 - (B) case management; or
 - (C) a support group; and
 - (iv) shall include a referral for:
 - (A) prenatal care; and
 - (B) counseling on the effects of alcohol and drug use during pregnancy.
- (10) If a substance abuse treatment program described in Subsection (9) is not able to accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of the time that request for admission is made, the local substance abuse authority shall contact the Division of Substance Abuse and Mental Health for assistance in providing services to the pregnant woman or pregnant minor.

Amended by Chapter 113, 2016 General Session

17-43-202 Local substance abuse authorities -- Requirements prior to distributing public funds.

- (1) Each local substance abuse authority shall award all public funds in compliance with:
 - (a) the requirements of Title 63G, Chapter 6a, Utah Procurement Code; or
 - (b) a county procurement ordinance that requires similar procurement practices.
- (2) If all initial bids on the project are rejected, the authority shall publish a new invitation to bid. If no satisfactory bid is received by the authority when the bids received from the second invitation are opened, the authority may execute a contract without requiring competitive bidding.
- (3) A local substance abuse authority need not comply with the procurement provisions of this section when it disburses public funds to another political subdivision of the state or an institution of higher education of the state.
- (4) Each contract awarded by a local substance abuse authority shall be for a fixed amount and limited period. A contract may be modified due to changes in available funding for the same contract purpose without competition.

Amended by Chapter 347, 2012 General Session

17-43-203 Definition of "public funds" -- Responsibility for oversight of public funds -- Substance abuse programs and services.

- (1) As used in this section, "public funds":
 - (a) means:
 - (i) federal money received from the department or the Department of Health; and

- (ii) state money appropriated by the Legislature to the department, the Department of Health, a county governing body, or a local substance abuse authority for the purposes of providing substance abuse programs or services; and
- (b) includes that federal and state money:
 - (i) even after the money has been transferred by a local substance abuse authority to a private provider under an annual or otherwise ongoing contract to provide comprehensive substance abuse programs or services for the local substance abuse authority; and
 - (ii) while in the possession of the private provider.
- (2) Each local substance abuse authority is responsible for oversight of all public funds received by it, to determine that those public funds are utilized in accordance with federal and state law, the rules and policies of the department and the Department of Health, and the provisions of any contract between the local substance abuse authority and the department, the Department of Health, or a private provider. That oversight includes requiring that neither the contract provider, as described in Subsection (1), nor any of its employees:
 - (a) violate any applicable federal or state criminal law;
 - (b) knowingly violate any applicable rule or policy of the department or Department of Health, or any provision of contract between the local substance abuse authority and the department, the Department of Health, or the private provider;
 - (c) knowingly keep any false account or make any false entry or erasure in any account of or relating to the public funds;
 - (d) fraudulently alter, falsify, conceal, destroy, or obliterate any account of or relating to public funds;
 - (e) fail to ensure competent oversight for lawful disbursement of public funds;
 - (f) appropriate public funds for an unlawful use or for a use that is not in compliance with contract provisions; or
 - (g) knowingly or intentionally use public funds unlawfully or in violation of a governmental contract provision, or in violation of state policy.
- (3) Each local substance abuse authority that knows or reasonably should know of any of the circumstances described in Subsection (2), and that fails or refuses to take timely corrective action in good faith shall, in addition to any other penalties provided by law, be required to make full and complete repayment to the state of all public funds improperly used or expended.
- (4) Any public funds required to be repaid to the state by a local substance abuse authority under Subsection (3), based upon the actions or failure of the contract provider, may be recovered by the local substance abuse authority from its contract provider, in addition to the local substance abuse authority's costs and attorney's fees.

Amended by Chapter 80, 2004 General Session

17-43-204 Fees for substance abuse services -- Responsibility for cost of service if rendered by authority to nonresident -- Authority may receive funds from other sources.

- (1) Each local substance abuse authority shall charge a fee for substance abuse services, except that substance abuse services may not be refused to any person because of inability to pay.
- (2) If a local substance abuse authority, through its designated provider, provides a service described in Subsection 17-43-201(5) to a person who resides within the jurisdiction of another local substance abuse authority, the local substance abuse authority in whose jurisdiction the person resides is responsible for the cost of that service if its designated provider has authorized the provision of that service.

- (3) A local substance abuse authority and entities that contract with a local substance abuse authority to provide substance abuse services may receive funds made available by federal, state, or local health, substance abuse, mental health, education, welfare, or other agencies, in accordance with the provisions of this part and Title 62A, Chapter 15, Substance Abuse and Mental Health Act.

Amended by Chapter 113, 2016 General Session