

1 STATE AND LOCAL HEALTH AUTHORITIES

2 AMENDMENTS

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Dennis E. Stowell

6 House Sponsor: Stephen D. Clark

8 LONG TITLE

9 General Description:

10 This bill modifies provisions relating to the Department of Health and local health
11 department responsibilities.

12 Highlighted Provisions:

13 This bill:

14 ▶ modifies responsibilities of the Department of Health and local health departments
15 with respect to their interrelationship;

16 ▶ requires the Department of Health to establish a committee consisting of
17 Department of Health and local health department representatives;

18 ▶ provides for the responsibilities of the committee;

19 ▶ provides a process for processing applications for federal grants and establishing
20 the goals and budget for federal grants; and

21 ▶ allows the Department of Health to use federal grant money to pay certain
22 administrative costs.

23 Monies Appropriated in this Bill:

24 None

25 Other Special Clauses:

26 This bill takes effect July 1, 2010.

27 Utah Code Sections Affected:

28 AMENDS:

29 26-1-4, as last amended by Laws of Utah 1991, Chapters 112 and 269

30

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **26-1-4** is amended to read:33 **26-1-4. Department of Health created -- Policymaking responsibilities --**34 **Consultation with local health departments -- Committee to evaluate health policies and**
35 **to review federal grants -- Committee responsibilities.**

36 (1) There is created the Department of Health, which has all of the policymaking
37 functions, regulatory and enforcement powers, rights, duties, and responsibilities of the
38 Division of Health, the Board of Health, the State Health Planning Development Agency, and
39 the Office of Health Care Financing. Unless otherwise specifically provided, when reference
40 is made in any statute of this state to the Board of Health, the Division of Health, the State
41 Health Planning Development Agency, or the Office of Health Care Financing, it refers to the
42 department. The department shall assume all of the policymaking functions, powers, rights,
43 duties, and responsibilities over the division, agency, and office previously vested in the
44 Department of Human Services and its executive director.

45 (2) ~~[(a)]~~ In establishing public health policy ~~[which directly affects local health~~
46 ~~departments, as defined in Title 26A, Chapter 1, Part 1],~~ the department shall ~~[cooperate]~~
47 consult with the local health departments established under Title 26A, Chapter 1, Local Health
48 Departments.

49 ~~[(b) The department shall establish by rule procedures for developing its policies;~~
50 ~~which ensure that local health departments are given opportunity to comment and provide~~
51 ~~input on any new policy of the department and on any proposed changes in existing policies~~
52 ~~which affect local health departments.]~~

53 ~~[(c) The department shall also provide a mechanism for review of its existing policies~~
54 ~~which affect local health departments, and for consideration of policy changes proposed by~~
55 ~~local health departments.]~~

56 (3) (a) As used in this Subsection (3):57 (i) "Committee" means the committee established under Subsection (3)(b).

58 (ii) "Exempt application" means an application for a federal grant that meets the
59 criteria established under Subsection (3)(c)(iii).

60 (iii) "Expedited application" means an application for a federal grant that meets the
61 criteria established under Subsection (3)(c)(iv).

62 (iv) "Federal grant" means a grant from the federal government that could provide
63 funds for local health departments to help them fulfill their duties and responsibilities.

64 (v) "Reviewable application" means an application for a federal grant that is not an
65 exempt application.

66 (b) The department shall establish a committee consisting of:

67 (i) the executive director, or the executive director's designee;

68 (ii) two representatives of the department, appointed by the executive director; and

69 (iii) three representatives of local health departments, appointed by all local health
70 departments.

71 (c) The committee shall:

72 (i) evaluate:

73 (A) the allocation of public health resources between the department and local health
74 departments; and

75 (B) policies that affect local health departments;

76 (ii) consider policy changes proposed by the department or local health departments;

77 (iii) establish criteria by which an application for a federal grant may be judged to
78 determine whether it should be exempt from the requirements under Subsection (3)(d); and

79 (iv) establish criteria by which an application for a federal grant may be judged to
80 determine whether committee review under Subsection (3)(d)(i) should be delayed until after
81 the application is submitted because the application is required to be submitted under a
82 timetable that makes committee review before it is submitted impracticable if the submission
83 deadline is to be met.

84 (d) (i) The committee shall review the goals and budget for each reviewable
85 application:

86 (A) before the application is submitted, except for an expedited application; and
87 (B) for an expedited application, after the application is submitted but before funds
88 from the federal grant for which the application was submitted are disbursed or encumbered.

89 (ii) Funds from a federal grant pursuant to a reviewable application may not be
90 disbursed or encumbered before the goals and budget for the federal grant are established by:

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

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

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

97 (f) The committee shall report to the Legislature's Health and Human Services
98 Appropriations Subcommittee and Political Subdivisions Interim Committee by November 30
99 of each year regarding implementation of this Subsection (3).

100 (g) The department may use money from a federal grant to pay administrative costs
101 incurred in implementing this Subsection (3).

102 Section 2. **Effective date.**

103 This bill takes effect July 1, 2010.