

# HB0472S01 compared with HB0472

~~{Omitted text}~~ shows text that was in HB0472 but was omitted in HB0472S01

inserted text shows text that was not in HB0472 but was inserted into HB0472S01

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## Division of Licensing and Background Checks Amendments

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Anthony E. Loubet**

Senate Sponsor:

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### LONG TITLE

#### General Description:

This bill addresses the Division of Licensing and Background Checks.

#### Highlighted Provisions:

This bill:

- clarifies the definition of an individual that is associated with a licensee;
- renumbers Section 26B-2-103, Division of Licensing and Background Check;
- renumbers Section 26B-2-104, Division responsibilities; and
- makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

#### Utah Code Sections Affected:

AMENDS:

**26B-1-202** , as last amended by Laws of Utah 2025, Chapter 426

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19 **26B-2-101** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

20 **26B-2-117** , as last amended by Laws of Utah 2025, Chapter 417

21 **58-17b-309.7** , as last amended by Laws of Utah 2025, Chapter 141

22 **80-2-1001** , as last amended by Laws of Utah 2024, Chapter 240

23 **80-2-1002** , as last amended by Laws of Utah 2025, Chapter 447

24 **81-14-307** , as renumbered and amended by Laws of Utah 2025, Chapter 426

25 **81-14-308** , as renumbered and amended by Laws of Utah 2025, Chapter 426

26 **RENUMBERS AND AMENDS:**

27 **26b-2-901** , (Renumbered from 26B-2-103, as last amended by Laws of Utah 2024, Chapter 240)

29 **26b-2-902** , (Renumbered from 26B-2-104, as last amended by Laws of Utah 2025, Chapter 426)

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

33 Section 1. Section **26B-1-202** is amended to read:

34 **26B-1-202. Department authority and duties.**

35 (1) As used in this section, "public funds" means the same as that term is defined in Section 26B-5-101.

37 (2) The department may, subject to applicable restrictions in state law and in addition to all other authority and responsibility granted to the department by law:

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

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

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

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

50 (e) establish eligibility standards for the department's programs, not inconsistent with state or federal law or regulations;

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

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- 54 (g) set and collect fees for the department's services;
- 55 (h) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or limited by  
law;
- 57 (i) acquire, manage, and dispose of any real or personal property needed or owned by the department,  
not inconsistent with state law;
- 59 (j) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the proceeds thereof,  
may be credited to the program designated by the donor, and may be used for the purposes requested  
by the donor, as long as the request conforms to state and federal policy; all donated funds shall be  
considered private, nonlapsing funds and may be invested under guidelines established by the state  
treasurer;
- 64 (k) accept and employ volunteer labor or services; the department is authorized to reimburse volunteers  
for necessary expenses, when the department considers that reimbursement to be appropriate;
- 67 (l) carry out the responsibility assigned in the workforce services plan by the State Workforce  
Development Board;
- 69 (m) carry out the responsibility assigned by Section 26B-1-430 with respect to coordination of services  
for students with a disability;
- 71 (n) provide training and educational opportunities for the department's staff;
- 72 (o) collect child support payments and any other money due to the department;
- 73 (p) apply the provisions of Title 81, Chapter 6, Child Support, and Title 81, Chapter 7, Payment and  
Enforcement of Spousal and Child Support, to parents whose child lives out of the home in a  
department licensed or certified setting;
- 76 (q) establish policy and procedures, within appropriations authorized by the Legislature, in cases  
where the Division of Child and Family Services or the Division of Juvenile Justice and Youth  
Services is given custody of a minor by the juvenile court under Title 80, Utah Juvenile Code, or  
the department is ordered to prepare an attainment plan for a minor found not competent to proceed  
under Section 80-6-403, including:
  - 81 (i) designation of interagency teams for each juvenile court district in the state;
  - 82 (ii) delineation of assessment criteria and procedures;
  - 83 (iii) minimum requirements, and timeframes, for the development and implementation of a  
collaborative service plan for each minor placed in department custody; and
  - 86 (iv) provisions for submittal of the plan and periodic progress reports to the court;

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- 87 (r) carry out the responsibilities assigned to the department by statute;
- 88 (s) as further provided in Subsection (3), examine and audit the expenditures of any public funds  
provided to a local health department, a local substance abuse authority, a local mental health  
authority, a local area agency on aging, and any person, agency, or organization that contracts with  
or receives funds from those authorities or agencies;
- 93 (t) in accordance with Subsection [~~26B-2-104(1)(d)~~] 26B-2-902(1)(d), accredit one or more agencies  
and persons to provide intercountry adoption services;
- 95 (u) within legislative appropriations, promote and develop a system of care and stabilization services:
- 97 (i) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
- 98 (ii) that encompasses the department, department contractors, and the divisions, offices, or institutions  
within the department, to:
- 100 (A) navigate services, funding resources, and relationships to the benefit of the children and families  
whom the department serves;
- 102 (B) centralize department operations, including procurement and contracting;
- 103 (C) develop policies that govern business operations and that facilitate a system of care approach to  
service delivery;
- 105 (D) allocate resources that may be used for the children and families served by the department or  
the divisions, offices, or institutions within the department, subject to the restrictions in Section  
63J-1-206;
- 108 (E) create performance-based measures for the provision of services; and
- 109 (F) centralize other business operations, including data matching and sharing among the department's  
divisions, offices, and institutions;
- 111 (v) ensure that any training or certification required of a public official or public employee, as those  
terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and  
Certification Requirements, if the training or certification is required:
- 115 (i) under this title;
- 116 (ii) by the department; or
- 117 (iii) by an agency or division within the department;
- 118 (w) enter into cooperative agreements with the Department of Environmental Quality to delineate  
specific responsibilities to assure that assessment and management of risk to human health from the  
environment are properly administered;

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- 121 (x) consult with the Department of Environmental Quality and enter into cooperative agreements, as  
needed, to ensure efficient use of resources and effective response to potential health and safety  
threats from the environment, and to prevent gaps in protection from potential risks from the  
environment to specific individuals or population groups;
- 126 (y) to the extent authorized under state law or required by federal law, promote and protect the health  
and wellness of the people within the state;
- 128 (z) establish, maintain, and enforce rules authorized under state law or required by federal law to  
promote and protect the public health or to prevent disease and illness;
- 130 (aa) investigate the causes of epidemic, infectious, communicable, and other diseases affecting the  
public health;
- 132 (bb) provide for the detection and reporting of communicable, infectious, acute, chronic, or any other  
disease or health hazard which the department considers to be dangerous, important, or likely to  
affect the public health;
- 135 (cc) collect and report information on causes of injury, sickness, death, and disability and the risk  
factors that contribute to the causes of injury, sickness, death, and disability within the state;
- 138 (dd) collect, prepare, publish, and disseminate information to inform the public concerning the health  
and wellness of the population, specific hazards, and risks that may affect the health and wellness of  
the population and specific activities which may promote and protect the health and wellness of the  
population;
- 142 (ee) abate nuisances when necessary to eliminate sources of filth and infectious and communicable  
diseases affecting the public health;
- 144 (ff) make necessary sanitary and health investigations and inspections in cooperation with local health  
departments as to any matters affecting the public health;
- 146 (gg) establish laboratory services necessary to support public health programs and medical services in  
the state;
- 148 (hh) establish and enforce standards for laboratory services which are provided by any laboratory in the  
state when the purpose of the services is to protect the public health;
- 150 (ii) cooperate with the Labor Commission to conduct studies of occupational health hazards and  
occupational diseases arising in and out of employment in industry, and make recommendations for  
elimination or reduction of the hazards;

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- (jj) cooperate with the local health departments, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice and Youth Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual offense;
- 158 (kk) investigate the causes of maternal and infant mortality;
- 159 (ll) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians and drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol, and provide the Commissioner of Public Safety with monthly statistics reflecting the results of these examinations, with necessary safeguards so that information derived from the examinations is not used for a purpose other than the compilation of these statistics;
- 165 (mm) establish a uniform public health program throughout the state which includes continuous service, employment of qualified employees, and a basic program of disease control, vital and health statistics, sanitation, public health nursing, and other preventive health programs necessary or desirable for the protection of public health;
- 169 (nn) conduct health planning for the state;
- 170 (oo) monitor the costs of health care in the state and foster price competition in the health care delivery system;
- 172 (pp) establish methods or measures for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals the providers serve;
- 175 (qq) designate Alzheimer's disease and related dementia as a public health issue and, within budgetary limitations, implement a state plan for Alzheimer's disease and related dementia by incorporating the plan into the department's strategic planning and budgetary process;
- 179 (rr) coordinate with other state agencies and other organizations to implement the state plan for Alzheimer's disease and related dementia;
- 181 (ss) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required by the agency or under this Title 26B, Utah Health and Human Services Code;
- 186 (tt) oversee public education vision screening as described in Section 53G-9-404;
- 187 (uu) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue Alert; and
- 189

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(vv) as allowed by state and federal law, share data with the Office of Families that is relevant to the duties described in Subsection 26B-1-243(4), which may include, to the extent available:

- (i) demographic data concerning family structures in the state; and
- (ii) data regarding the family structure associated with:
  - (A) suicide, depression, or anxiety; and
  - (B) various health outcomes.
- (3)
- (a) Under Subsection (2)(s), those local departments, local authorities, area agencies, and any person or entity that contracts with or receives funds from those departments, authorities, or area agencies, shall provide the department with any information the department considers necessary.
- (b) The department is further authorized to issue directives resulting from any examination or audit to a local department, local authority, an area agency, and persons or entities that contract with or receive funds from those departments, authorities, or agencies with regard to any public funds.
- (c) If the department determines that it is necessary to withhold funds from a local health department, local mental health authority, or local substance abuse authority based on failure to comply with state or federal law, policy, or contract provisions, the department may take steps necessary to ensure continuity of services.

Section 2. Section **26B-2-101** is amended to read:

### **26B-2-101. Definitions.**

As used in this part:

- (1) "Abuse" means the same as that term is defined in Section 80-1-102.
- (2) "Adoption services" means the same as that term is defined in Section 80-2-801.
- (3) "Adult day care" means nonresidential care and supervision:
  - (a) for three or more adults for at least four but less than 24 hours a day; and
  - (b) that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.
- (4) "Applicant" means a person that applies for an initial license or a license renewal under this part.
- (5)
- ~~[(a) "Associated with the licensee" means that an individual is:]~~
- ~~[(i) affiliated with a licensee as an owner, director, member of the governing body, employee, agent, provider of care, department contractor, or volunteer; or]~~

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- 223 ~~[(ii) applying to become affiliated with a licensee in a capacity described in Subsection (5)(a)(i).]~~  
225 ~~[(b)]~~ (a) "Associated with the licensee" means an individual who, regardless of title, holds or held  
a position of management, control, or significant influence over the licensee's operations or  
compliance as demonstrated by being:
- 228 (i) an owner, partner, corporate officer, director, or member of the governing body;  
229 (ii) a managerial or supervisory employee with responsibility for the licensee's daily operations or  
compliance with governing rules;
- 231 (iii) an individual who exercises significant control over the management, policies, or operations of  
the licensee, whether through financial interest, contract, familial relationship, or other formal  
arrangement; or
- 234 (iv) an individual applying to be in a capacity described in this Subsection (5)(a).
- 235 (b) "Associated with the licensee" does not include:
- 236 (i) service on the following bodies, unless that service includes direct access to a child or a vulnerable  
adult:
- 238 (A) a local mental health authority described in Section 17-77-301;  
239 (B) a local substance abuse authority described in Section 17-77-201; or  
240 (C) a board of an organization operating under a contract to provide mental health or substance use  
programs, or services for the local mental health authority or substance abuse authority; or
- 243 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised at all times.
- 245 (6) "Behavioral health receiving center" means a 23-hour non-secure program or facility that is  
responsible for, and provides mental health crisis services to, an individual experiencing a mental  
health crisis.
- 248 (7)
- (a) "Boarding school" means a private school that:
- 249 (i) uses a regionally accredited education program;  
250 (ii) provides a residence to the school's students:
- 251 (A) for the purpose of enabling the school's students to attend classes at the school; and  
253 (B) as an ancillary service to educating the students at the school;
- 254 (iii) has the primary purpose of providing the school's students with an education, as defined in  
Subsection (7)(b)(i); and
- 256 (iv)



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(A) does not provide the treatment or services described in Subsection (49)(a); or

(B) provides the treatment or services described in Subsection (49)(a) on a limited basis, as described in Subsection (7)(b)(ii).

(b)

(i) For purposes of Subsection (7)(a)(iii), "education" means a course of study for one or more grades from kindergarten through grade 12.

(ii) For purposes of Subsection (7)(a)(iv)(B), a private school provides the treatment or services described in Subsection (49)(a) on a limited basis if:

(A) the treatment or services described in Subsection (49)(a) are provided only as an incidental service to a student; and

(B) the school does not:

(I) specifically solicit a student for the purpose of providing the treatment or services described in Subsection (49)(a); or

(II) have a primary purpose of providing the treatment or services described in Subsection (49)(a).

(c) "Boarding school" does not include a therapeutic school.

(8) "Certification" means a less restrictive level of licensure issued by the department.

(9) "Child" means an individual under 18 years old.

(10) "Child placing" means receiving, accepting, or providing custody or care for any child, temporarily or permanently, for the purpose of:

(a) finding a person to adopt the child;

(b) placing the child in a home for adoption; or

(c) foster home placement.

(11) "Child-placing agency" means a person that engages in child placing.

(12) "Client" means an individual who receives or has received services from a licensee.

(13)

(a) "Congregate care program" means any of the following that provide services to a child:

(i) an outdoor youth program;

(ii) a residential support program;

(iii) a residential treatment program; or

(iv) a therapeutic school.

(b) "Congregate care program" does not include a human services program that:

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- 288 (i) is licensed to serve adults; and  
289 (ii) is approved by the office to service a child for a limited time.  
290 (14)  
(a) "Day treatment" means specialized treatment that is provided to:  
291 [(a)] (i) a client less than 24 hours a day; and  
292 [(b)] (ii) four or more persons who are receiving services individually or in a group setting during any  
30-day period and who:  
293 [(i)] (A) are unrelated to the owner or provider; and  
294 [(ii)] (B) have emotional, psychological, developmental, physical, or behavioral dysfunctions,  
impairments, or chemical dependencies.  
297 (b) A person providing Applied Behavior Analysis to clients as described in Subsection (14)(a) is  
presumed to be providing day treatment unless the person is able to demonstrate to the office that  
the services meet the definition of outpatient treatment described in Subsection (42).  
296 (15) "Department contractor" means an individual who:  
297 (a) provides services under a contract with the department; and  
298 (b) due to the contract with the department, has or will likely have direct access to a child or vulnerable  
adult.  
300 (16) "Direct access" means that an individual has, or likely will have:  
301 (a) contact with or access to a child or vulnerable adult that provides the individual with an opportunity  
for personal communication or touch; or  
303 (b) an opportunity to view medical, financial, or other confidential personal identifying information of  
the child, the child's parents or legal guardians, or the vulnerable adult.  
305 (17) "Directly supervised" means that an individual is being supervised under the uninterrupted visual  
and auditory surveillance of another individual who has a current background check approval issued  
by the office.  
308 (18) "Director" means the director of the office.  
309 (19) "Division" means the Division of Licensing and Background Checks created under Section  
[26B-2-103] 26B-2-901.  
311 (20) "Domestic violence" means the same as that term is defined in Section 77-36-1.  
312 (21) "Domestic violence treatment program" means a nonresidential program designed to provide  
psychological treatment and educational services to perpetrators and victims of domestic violence.

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- 315 (22) "Elder adult" means a person 65 years old or older.
- 316 (23) "Emergency safety intervention" means a tactic used to protect staff or a client from being  
physically injured, utilized by an appropriately trained direct care staff and only performed in  
accordance with a nationally or regionally recognized curriculum in the least restrictive manner to  
restore staff or client safety.
- 320 (24) "Foster home" means a residence that is licensed or certified by the office for the full-time  
substitute care of a child.
- 322 (25) "Harm" means the same as that term is defined in Section 80-1-102.
- 323 (26) "Health benefit plan" means the same as that term is defined in Section 31A-1-301.
- 324 (27) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 325 (28) "Health insurer" means:
- 326 (a) an insurer who offers health care insurance as that term is defined in Section 31A-1-301;
- 328 (b) health benefits offered to state employees under Section 49-20-202; and
- 329 (c) a workers' compensation insurer:
- 330 (i) authorized to provide workers' compensation insurance in the state; or
- 331 (ii) that is a self-insured employer as defined in Section 34A-2-201.5.
- 332 (29)
- (a) "Human services program" means:
- 333 (i) a foster home;
- 334 (ii) a therapeutic school;
- 335 (iii) a youth program;
- 336 (iv) an outdoor youth program;
- 337 (v) a residential treatment program;
- 338 (vi) a residential support program;
- 339 (vii) a resource family home;
- 340 (viii) a recovery residence;
- 341 (ix) a behavioral health receiving center; or
- 342 (x) a facility or program that provides:
- 343 (A) adult day care;
- 344 (B) day treatment;
- 345 (C) outpatient treatment;

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- 346 (D) domestic violence treatment;  
347 (E) child-placing services;  
348 (F) social detoxification; or  
349 (G) any other human services that are required by contract with the department to be licensed with the  
department.
- 351 (b) "Human services program" does not include:  
352 (i) a boarding school;  
353 (ii) a residential vocational or life skills program, as defined in Section 13-53-102; or  
354 (iii) a short-term relief care provider.
- 355 (30) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.  
356 (31) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.  
357 (32) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.  
358 (33) "Intermediate secure treatment" means 24-hour specialized residential treatment or care for an  
individual who:  
360 (a) cannot live independently or in a less restrictive environment; and  
361 (b) requires, without the individual's consent or control, the use of locked doors to care for the  
individual.
- 363 (34) "Licensee" means an individual or a human services program licensed by the office.  
364 (35) "Local government" means a city, town, or county.  
365 (36) "Mental health treatment program" means a program that:  
366 (a) is a structured intervention; and  
367 (b) is used to improve mental health, prevent mental disorders, and treat mental health conditions.
- 369 (37) "Medication assisted treatment" means the use of a prescribed medication approved by the United  
States Food and Drug Administration, such as buprenorphine, methadone, or naltrexone, to treat  
substance use withdrawal symptoms or a substance use disorder.
- 372 (38) "Minor" means child.  
373 (39) "Office" means, except as provided in Section 26B-2-120, the Office of Licensing within the  
department.
- 375 (40) "Ombudsman" means the congregate care ombudsman created in Section 26B-2-124.2.  
376 (41) "Outdoor youth program" means a program that provides:  
377 (a) services to a child who has:

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- 378 (i) a chemical dependency; or  
379 (ii) a dysfunction or impairment that is emotional, psychological, developmental, physical, or  
behavioral;
- 381 (b) a 24-hour outdoor group living environment; and  
382 (c)
- (i) regular therapy, including group, individual, or supportive family therapy; or  
383 (ii) informal therapy or similar services, including wilderness therapy, adventure therapy, or outdoor  
behavioral healthcare.
- 385 (42) "Outpatient treatment" means individual, family, or group therapy or counseling designed to  
improve and enhance social or psychological functioning for those whose physical and emotional  
status allows them to continue functioning in their usual living environment.
- 389 (43) "Practice group" or "group practice" means two or more health care providers legally organized as  
a partnership, professional corporation, or similar association, for which:
- 391 (a) substantially all of the services of the health care providers who are members of the group are  
provided through the group and are billed in the name of the group and amounts received are treated  
as receipts of the group; and
- 394 (b) the overhead expenses of and the income from the practice are distributed in accordance with  
methods previously determined by members of the group.
- 396 (44) "Private-placement child" means a child whose parent or guardian enters into a contract with a  
congregate care program for the child to receive services.
- 398 (45) "Qualifying residential treatment program" means a residential treatment program that is licensed  
under this part and:
- 400 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms are defined in  
Section 16-6a-102; or
- 402 (b) receives any local, state, or federal government funding, government grant money, or any other  
form of government assistance to operate or provide services or training in the ordinary course of  
business.
- 405 (46) "Qualifying recovery residence" means a recovery residence that is licensed under this part and:
- 407 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms are defined in  
Section 16-6a-102; or
- 409

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- (b) receives any local, state, or federal government funding, government grant money, or any other form of government assistance to operate or provide services or training in the ordinary course of business.

(47)

- (a) "Recovery residence" means a home, residence, or facility that meets at least two of the following requirements:

- (i) provides a supervised living environment for individuals recovering from a substance use disorder;

- (ii) provides a living environment in which more than half of the individuals in the residence are recovering from a substance use disorder;

- (iii) provides or arranges for residents to receive services related to the resident's recovery from a substance use disorder, either on or off site;

- (iv) is held out as a living environment in which individuals recovering from substance abuse disorders live together to encourage continued sobriety; or

- (v)

- (A) receives public funding; or

- (B) is run as a business venture, either for-profit or not-for-profit.

- (b) "Recovery residence" does not mean:

- (i) a residential treatment program;

- (ii) residential support program;

- (iii) a residential vocational or life skills program; or

- (iv) a home, residence, or facility, in which:

- (A) residents, by a majority vote of the residents, establish, implement, and enforce policies governing the living environment, including the manner in which applications for residence are approved and the manner in which residents are expelled;

- (B) residents equitably share rent and housing-related expenses; and

- (C) a landlord, owner, or operator does not receive compensation, other than fair market rental income, for establishing, implementing, or enforcing policies governing the living environment.

- (48) "Regular business hours" means:

- (a) the hours during which services of any kind are provided to a client; or

- (b) the hours during which a client is present at the facility of a licensee.

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- 440 (49)
- (a) "Residential support program" means a program that arranges for or provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.
- 444 (b) "Residential support program" includes a program that provides a supervised living environment for individuals with dysfunctions or impairments that are:
- 446 (i) emotional;
- 447 (ii) psychological;
- 448 (iii) developmental; or
- 449 (iv) behavioral.
- 450 (c) Treatment is not a necessary component of a residential support program.
- 451 (d) "Residential support program" does not include:
- 452 (i) a recovery residence; or
- 453 (ii) a program that provides residential services that are performed:
- 454 (A) exclusively under contract with the department and provided to individuals through the Division of Services for People with Disabilities; or
- 456 (B) in a facility that serves fewer than four individuals.
- 457 (50)
- (a) "Residential treatment" means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.
- 462 (b) "Residential treatment" does not include a:
- 463 (i) boarding school;
- 464 (ii) foster home; or
- 465 (iii) recovery residence.
- 466 (51) "Residential treatment program" means a program or facility that provides:
- 467 (a) residential treatment; or
- 468 (b) intermediate secure treatment.

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- 469 (52) "Seclusion" means the involuntary confinement of an individual in a room or an area:  
470 (a) away from the individual's peers; and  
471 (b) in a manner that physically prevents the individual from leaving the room or area.
- 472 (53) "Short-term relief care provider" means an individual who:  
473 (a) provides short-term and temporary relief care to a foster parent:  
474 (i) for less than six consecutive nights; and  
475 (ii) in the short-term relief care provider's home;  
476 (b) is an immediate family member or relative, as those terms are defined in Section 80-3-102, of the  
foster parent;  
478 (c) is direct access qualified, as that term is defined in Section 26B-2-120;  
479 (d) has been approved to provide short-term relief care by the department;  
480 (e) is not reimbursed by the department for the temporary relief care provided; and  
481 (f) is not an immediate family member or relative, as those terms are defined in Section 80-3-102, of the  
foster child.
- 483 (54) "Social detoxification" means short-term residential services for persons who are experiencing or  
have recently experienced drug or alcohol intoxication, that are provided outside of a health care  
facility licensed under Part 2, Health Care Facility Licensing and Inspection, and that include:  
487 (a) room and board for persons who are unrelated to the owner or manager of the facility;  
488 (b) specialized rehabilitation to acquire sobriety; and  
489 (c) aftercare services.
- 490 (55) "Substance abuse disorder" or "substance use disorder" mean the same as "substance use disorder"  
is defined in Section 26B-5-501.
- 492 (56) "Substance abuse treatment program" or "substance use disorder treatment program" means a  
program:  
494 (a) designed to provide:  
495 (i) specialized drug or alcohol treatment;  
496 (ii) rehabilitation; or  
497 (iii) habilitation services; and  
498 (b) that provides the treatment or services described in Subsection (56)(a) to persons with:  
500 (i) a diagnosed substance use disorder; or  
501 (ii) chemical dependency disorder.



## HB0472 compared with HB0472S01

- 502 (57) "Therapeutic school" means a residential group living facility:
- 503 (a) for four or more individuals that are not related to:
- 504 (i) the owner of the facility; or
- 505 (ii) the primary service provider of the facility;
- 506 (b) that serves students who have a history of failing to function:
- 507 (i) at home;
- 508 (ii) in a public school; or
- 509 (iii) in a nonresidential private school; and
- 510 (c) that offers:
- 511 (i) room and board; and
- 512 (ii) an academic education integrated with:
- 513 (A) specialized structure and supervision; or
- 514 (B) services or treatment related to:
- 515 (I) a disability;
- 516 (II) emotional development;
- 517 (III) behavioral development;
- 518 (IV) familial development; or
- 519 (V) social development.
- 520 (58) "Unrelated persons" means persons other than parents, legal guardians, grandparents, brothers, sisters, uncles, or aunts.
- 522 (59) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent mental or physical impairment that substantially affects the person's ability to:
- 524 (a) provide personal protection;
- 525 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 526 (c) obtain services necessary for health, safety, or welfare;
- 527 (d) carry out the activities of daily living;
- 528 (e) manage the adult's own resources; or
- 529 (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.
- 531 (60)

## HB0472 compared with HB0472S01

(a) "Youth program" means a program designed to provide behavioral, substance use, or mental health services to minors that:

- (i) serves adjudicated or nonadjudicated youth;
- (ii) charges a fee for the program's services;
- (iii) may provide host homes or other arrangements for overnight accommodation of the youth;
- (iv) may provide all or part of the program's services in the outdoors;
- (v) may limit or censor access to parents or guardians; and
- (vi) prohibits or restricts a minor's ability to leave the program at any time of the minor's own free will.

(b) "Youth program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

(61)

(a) "Youth transportation company" means any person that transports a child for payment to or from a congregate care program in Utah.

(b) "Youth transportation company" does not include:

- (i) a relative of the child;
- (ii) a state agency; or
- (iii) a congregate care program's employee who transports the child from the congregate care program that employs the employee and returns the child to the same congregate care program.

Section 3. Section **26B-2-117** is amended to read:

**26B-2-117. Licensing residential treatment programs and recovery residences -- Notification of local government.**

(1)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules that establish categories of residential treatment and recovery residence licenses based on differences in the types of residential treatment programs and recovery residences.

(b) The categories referred to in Subsection (1)(a) may be based on differences in:

- (i) services offered;
- (ii) types of clients served;
- (iii) risks posed to the community; or
- (iv) other factors that make regulatory differences advisable.

## HB0472 compared with HB0472S01

- 563 (2) Subject to the requirements of federal and state law, and ~~[pursuant to]~~ in accordance with the  
authority granted by Section ~~[26B-2-104]~~ 26B-2-902, the office shall establish and enforce rules  
that:
- 566 (a)
- (i) relate generally to all categories of residential treatment program and recovery residence licenses;  
and
- 568 (ii) relate to specific categories of residential treatment program and recovery residence licenses on the  
basis of the regulatory needs, as determined by the office, of residential treatment programs and  
recovery residences within those specific categories;
- 572 (b) preclude each qualified residential treatment program and each qualified recovery residence from  
refusing to accept a client based solely on the client's use of medication assisted treatment consistent  
with the recommendation of a licensed prescriber or provider;
- 576 (c) require each qualified residential treatment program and each qualified recovery residence to allow a  
client to receive medication assisted treatment as recommended by a licensed prescriber or provider;  
and
- 579 (d) require that each Medicaid provider contract with a qualified residential treatment program or a  
qualified recovery residence includes a provision obligating the provider to comply with rules  
enacted ~~[pursuant to]~~ in accordance with Subsections (2)(b) and (c), subject to the sanctions  
provided ~~[pursuant to]~~ in accordance with Subsection 26B-3-108(6).
- 584 (3)
- (a) Beginning July 1, 2014, the office shall charge an annual licensing fee, set by the office in  
accordance with the procedures described in Section 63J-1-504, to a recovery residence in an  
amount that will pay for the cost of the licensing and inspection requirements described in this  
section and in Section ~~[26B-2-104]~~ 26B-2-902.
- 589 (b) The office shall deposit the licensing fees described in this section ~~[in]~~ into the General Fund as a  
dedicated credit to be used solely to pay for the cost of the licensing and inspection requirements  
described in this section and in Section ~~[26B-2-104]~~ 26B-2-902.
- 593 (4) Before submitting an application for a license to operate a residential treatment program, the  
applicant shall serve notice of its intent to operate a residential treatment program on the governing  
body of:
- 596 (a) the city in which the residential treatment program will be located; or

## HB0472 compared with HB0472S01

- 597 (b) if the residential treatment program will be located in the unincorporated area of a county, the  
county in which the residential treatment program will be located.
- 599 (5) The notice described in Subsection (4) shall include the following information relating to the  
residential treatment program:
- 601 (a) an accurate description of the residential treatment program;
- 602 (b) the location where the residential treatment program will be operated;
- 603 (c) the services that will be provided by the residential treatment program;
- 604 (d) the type of clients that the residential treatment program will serve;
- 605 (e) the category of license for which the residential treatment program is applying to the office;
- 607 (f) the name, telephone number, and address of a person that may be contacted to make inquiries about  
the residential treatment program; and
- 609 (g) any other information that the office may require by rule.
- 610 (6) When submitting an application for a license to operate a residential treatment program, the  
applicant shall include with the application:
- 612 (a) a copy of the notice described in Subsection (4); and
- 613 (b) proof that the applicant served the notice described in Subsection (4) on the governing body  
described in Subsection (4).

620 Section 4. Section **26b-2-901** is renumbered and amended to read:

617 **Part 9. Division of Licensing and Background Checks**

623 **~~[26B-2-103]~~ 26b-2-901. Division of Licensing and Background Checks.**

- 619 (1) There is created the Division of Licensing and Background Checks within the department.
- 621 (2) The division shall be the licensing and background screening authority for the department, and is  
vested with all the powers, duties, and responsibilities described in:
- 623 (a) this part;
- 624 (b) Part 2, Health Care Facility Licensing and Inspection;
- 625 (c) Part 4, Child Care Licensing; and
- 626 (d) Part 6, Mammography Quality Assurance.
- 627 (3) The executive director shall appoint the director of the division.
- 628 (4) There are created within the division the Office of Licensing and the Office of Background  
Processing.

635 Section 5. Section **26b-2-902** is renumbered and amended to read:

## HB0472 compared with HB0472S01

### ~~[26B-2-104]~~ 26b-2-902. Division responsibilities.

- (1) Subject to the requirements of federal and state law, the office shall:
- (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
- (i) except as provided in Subsection (1)(a)(ii), basic health and safety standards for licensees, that shall be limited to:
- (A) fire safety;
- (B) food safety;
- (C) sanitation;
- (D) infectious disease control;
- (E) safety of the:
- (I) physical facility and grounds; and
- (II) area and community surrounding the physical facility;
- (F) transportation safety;
- (G) emergency preparedness and response;
- (H) the administration of medical standards and procedures, consistent with the related provisions of this title;
- (I) staff and client safety and protection;
- (J) the administration and maintenance of client and service records;
- (K) staff qualifications and training, including standards for permitting experience to be substituted for education, unless prohibited by law;
- (L) staff to client ratios;
- (M) access to firearms; and
- (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- (ii) basic health and safety standards for therapeutic schools, that shall be limited to:
- (A) fire safety, except that the standards are limited to those required by law or rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;
- (B) food safety;
- (C) sanitation;
- (D) infectious disease control, except that the standards are limited to:
- (I) those required by law or rule under this title, or Title 26A, Local Health Authorities; and

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- 664 (II) requiring a separate room for clients who are sick;
- 665 (E) safety of the physical facility and grounds, except that the standards are limited to those required by  
law or rule under Title 53, Chapter 7, Part 2, Fire Prevention and Fireworks Act;
- 668 (F) transportation safety;
- 669 (G) emergency preparedness and response;
- 670 (H) access to appropriate medical care, including:
- 671 (I) subject to the requirements of law, designation of a person who is authorized to dispense medication;  
and
- 673 (II) storing, tracking, and securing medication;
- 674 (I) staff and client safety and protection that permits the school to provide for the direct supervision of  
clients at all times;
- 676 (J) the administration and maintenance of client and service records;
- 677 (K) staff qualifications and training, including standards for permitting experience to be substituted for  
education, unless prohibited by law;
- 679 (L) staff to client ratios;
- 680 (M) access to firearms; and
- 681 (N) the prevention of abuse, neglect, exploitation, harm, mistreatment, or fraud;
- 682 (iii) procedures and standards for permitting a licensee to:
- 683 (A) provide in the same facility and under the same conditions as children, residential treatment  
services to a person 18 years old or older who:
- 685 (I) begins to reside at the licensee's residential treatment facility before the person's 18th birthday;
- 687 (II) has resided at the licensee's residential treatment facility continuously since the time described in  
Subsection (1)(a)(iii)(A)(I);
- 689 (III) has not completed the course of treatment for which the person began residing at the licensee's  
residential treatment facility; and
- 691 (IV) voluntarily consents to complete the course of treatment described in Subsection (1)(a)(iii)(A)(III);  
or
- 693 (B)
- (I) provide residential treatment services to a child who is:
- 694 (Aa) at least 12 years old or, as approved by the division, younger than 12 years old; and
- 696 (Bb) under the custody of the department, or one of its divisions; and

## HB0472 compared with HB0472S01

- 697 (II) provide, in the same facility as a child described in Subsection (1)(a)(iii)(B)(I), residential treatment  
services to a person who is:
- 699 (Aa) at least 18 years old, but younger than 21 years old; and
- 700 (Bb) under the custody of the department, or one of its divisions;
- 701 (iv) minimum administration and financial requirements for licensees;
- 702 (v) guidelines for variances from rules established under this Subsection (1);
- 703 (vi) ethical standards, as described in Section 81-13-104, and minimum responsibilities of a child-  
placing agency that provides adoption services and that is licensed under this part;
- 706 (vii) what constitutes an "outpatient treatment program" for purposes of this part;
- 707 (viii) a procedure requiring a licensee to provide an insurer the licensee's records related to any services  
or supplies billed to the insurer and a procedure allowing the licensee and the insurer to contact the  
Insurance Department to resolve any disputes;
- 711 (ix) a protocol for the office to investigate and process complaints about licensees;
- 712 (x) a procedure for a licensee to:
- 713 (A) report the use of a restraint or seclusion within one business day after the day on which the use of  
the restraint or seclusion occurs;
- 715 (B) report a critical incident within one business day after the day on which the incident occurs; and
- 717 (C) comply with any requirements of this part;
- 718 (xi) guidelines for the policies and procedures described in Sections 26B-2-109 and 26B-2-123;
- 720 (xii) a procedure for the division to review and approve the policies and procedures described in  
Sections 26B-2-109 and 26B-2-123;
- 722 (xiii) a requirement that each human services program publicly post information that informs an  
individual how to submit a complaint about a human services program to the division; and
- 725 (xiv) requirements for disruption plans under Section 26B-2-124;
- 726 (b) enforce rules relating to the division;
- 727 (c) issue licenses in accordance with this part;
- 728 (d) if the United States Department of State executes an agreement with the division that designates the  
division to act as an accrediting entity in accordance with the Intercountry Adoption Act of 2000,  
Pub. L. No. 106-279, accredit one or more agencies and persons to provide intercountry adoption  
services pursuant to:
- 732 (i) the Intercountry Adoption Act of 2000, Pub. L. No. 106-279; and

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- 733 (ii) the implementing regulations for the Intercountry Adoption Act of 2000, Pub. L. No. 106-279;
- 735 (e) make rules to implement the provisions of Subsection (1)(d);
- 736 (f) conduct surveys and inspections of licensees and facilities in accordance with Section 26B-2-107;
- 738 (g) collect licensure fees;
- 739 (h) notify licensees of the name of a person within the department to contact when filing a complaint;
- 741 (i) investigate complaints regarding any licensee or human services program;
- 742 (j) have access to all records, correspondence, and financial data required to be maintained by a  
licensee;
- 744 (k) have authority to interview any client, family member of a client, employee, or officer of a licensee;
- 746 (l) have authority to deny, condition, revoke, suspend, or extend any license issued by the  
department under this part by following the procedures and requirements of Title 63G, Chapter 4,  
Administrative Procedures Act;
- 749 (m) cooperate with the Division of Child and Family Services to condition, revoke, or suspend the  
license of a foster home when a child welfare caseworker from the Division of Child and Family  
Services identifies a safety concern with the foster home;
- 753 (n) electronically post notices of agency action issued to a human services program, with the exception  
of a foster home, on the division's website, in accordance with Title 63G, Chapter 2, Government  
Records Access and Management Act; and
- 756 (o) upon receiving a local government's request under Section 26B-2-118, notify the local government  
of new human services program license applications, except for foster homes, for human services  
programs located within the local government's jurisdiction.
- 760 (2) In establishing rules under Subsection (1)(a)(ii)(G), the division shall require a licensee to establish  
and comply with an emergency response plan that requires clients and staff to:
- 763 (a) immediately report to law enforcement any significant criminal activity, as defined by rule,  
committed:
  - 765 (i) on the premises where the licensee operates its human services program;
  - 766 (ii) by or against its clients; or
  - 767 (iii) by or against a staff member while the staff member is on duty;
- 768 (b) immediately report to emergency medical services any medical emergency, as defined by rule:
  - 770 (i) on the premises where the licensee operates a program;
  - 771 (ii) involving its clients; or



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- (iii) involving a staff member while the staff member is on duty; and
- (c) immediately report other emergencies that occur on the premises where the licensee operates its human services program to the appropriate emergency services agency.

Section 6. Section **58-17b-309.7** is amended to read:

**58-17b-309.7. Opioid treatment program -- Mobile medication assisted treatment units.**

(1) As used in this section:

- (a) "Covered provider" means an individual who is licensed to engage in:
- (i) the practice of advanced practice registered nursing as defined in Section 58-31b-102;
- (ii) the practice of registered nursing as defined in Section 58-31b-102; or
- (iii) practice as a physician assistant as defined in Section 58-70a-102.
- (b) "Mobile unit" means a mobile unit that provides medication, such as buprenorphine, methadone, or naltrexone, to treat substance use withdrawal symptoms or a substance use disorder.
- (c) "Opioid treatment program" means a program or practitioner that is:
- (i) engaged in dispensing an opiate medication assisted treatment for opioid use disorder;
- (ii) registered under 21 U.S.C. Sec. 823(g)(1);
- (iii) licensed by the Division of Licensing and Background Checks within the Department of Health and Human Services created in Section [~~26B-2-103~~] 26B-2-901; and
- (iv) certified by the federal Substance Abuse and Mental Health Services Administration in accordance with 42 C.F.R. 8.11.
- (2) A covered provider may dispense opiate medication assisted treatment at an opioid treatment program if the covered provider:
- (a) is operating under the direction of a pharmacist;
- (b) dispenses the opiate medication assisted treatment under the direction of a pharmacist; and
- (c) acts in accordance with division rules made under Subsection (4).
- (3)
- (a) An opioid treatment program may operate one or more mobile units to serve individuals without a fixed address and other individuals as appropriate.
- (b) A mobile unit shall operate as an extension of, and under the registration, license, and certification held by, the opioid treatment program.

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- (c) The pharmacist-in-charge who is responsible for directing the operation of the opioid treatment program shall determine the number of mobile units that may be operated as an extension of the opioid treatment program.
- 809 (d) A covered provider may dispense prescription medication assisted treatment only:
- 810 (i) ~~[pursuant to]~~ in accordance with a valid prescription; and
- 811 (ii) in compliance with the requirements described in Subsection (2).
- 812 (e) Medication may not be left in a mobile unit during the hours that the mobile unit is not in operation.
- 814 (f) An opioid treatment program that intends to operate a mobile unit shall notify the division and board of that intention as soon as possible, but not later than one business day before the mobile unit begins operating.
- 817 (g) An opioid treatment program that intends to discontinue operation of a mobile unit shall notify the division and board of that intention as soon as possible, but not later than one business day before the mobile unit discontinues operating.
- 820 (h) The Department of Health and Human Services may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, to establish requirements for the operation of a mobile unit.
- 823 (4) The division shall, in consultation with practitioners who work in an opioid treatment program, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines under which a covered provider may dispense opiate medication assisted treatment to a patient in an opioid treatment program under this section.

833 Section 7. Section **80-2-1001** is amended to read:

834 **80-2-1001. Management Information System -- Contents -- Classification of records --**  
**Access.**

- 831 (1) The division shall develop and implement a Management Information System that meets the requirements of this section and the requirements of federal law and regulation.
- 833 (2) The Management Information System shall:
- 834 (a) contain all key elements of each family's current child and family plan, including:
- 835 (i) the dates and number of times the plan has been administratively or judicially reviewed;
- 837 (ii) the number of times the parent failed the child and family plan; and
- 838 (iii) the exact length of time the child and family plan has been in effect; and
- 839

## HB0472 compared with HB0472S01

(b) alert child welfare caseworkers regarding deadlines for completion of and compliance with policy, including child and family plans.

841 (3) For a child welfare case, the Management Information System shall provide each child  
welfare caseworker and the Division of Licensing and Background Checks created in Section  
[26B-2-103] 26B-2-901, exclusively for the purposes of foster parent licensure and monitoring, with  
a complete history of each child in the child welfare caseworker's caseload, including:

846 (a) a record of all past action taken by the division with regard to the child and the child's siblings;

848 (b) the complete case history and all reports and information in the control or keeping of the division  
regarding the child and the child's siblings;

850 (c) the number of times the child has been in the protective custody, temporary custody, and custody of  
the division;

852 (d) the cumulative period of time the child has been in the custody of the division;

853 (e) a record of all reports of abuse or neglect received by the division with regard to the child's parent or  
guardian including:

855 (i) for each report, documentation of the:

856 (A) latest status; or

857 (B) final outcome or determination; and

858 (ii) information that indicates whether each report was found to be:

859 (A) supported;

860 (B) unsupported;

861 (C) substantiated;

862 (D) unsubstantiated; or

863 (E) without merit;

864 (f) the number of times the child's parent failed any child and family plan; and

865 (g) the number of different child welfare caseworkers who have been assigned to the child in the past.

867 (4) For child protective services cases, the Management Information System shall:

868 (a) monitor the compliance of each case with:

869 (i) division rule;

870 (ii) state law; and

871 (iii) federal law and regulation; and

872

## HB0472 compared with HB0472S01

(b) include the age and date of birth of the alleged perpetrator at the time the abuse or neglect is alleged to have occurred, in order to ensure accuracy regarding the identification of the alleged perpetrator.

(5) Information or a record contained in the Management Information System is:

(a) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(b) available only:

(i) to a person or government entity with statutory authorization under Title 63G, Chapter 2, Government Records Access and Management Act, to review the information or record;

(ii) to a person who has specific statutory authorization to access the information or record for the purpose of assisting the state with state or federal requirements to maintain information solely for the purpose of protecting minors and providing services to families in need;

(iii) to the extent required by Title IV(b) or IV(e) of the Social Security Act:

(A) to comply with abuse and neglect registry checks requested by other states; or

(B) to the United States Department of Health and Human Services for purposes of maintaining an electronic national registry of supported or substantiated cases of abuse and neglect;

(iv) to the department, upon the approval of the executive director of the department, on a need-to-know basis;

(v) as provided in Subsection (6) or Section 80-2-1002; or

(vi) to a citizen review panel for the purpose of fulfilling the panel's duties as described in Section 80-2-1101.

(6)

(a) The division may allow a division contract provider, court clerk designated by the Administrative Office of the Courts, the Office of Guardian Ad Litem, or Indian tribe to have limited access to the Management Information System.

(b) A division contract provider or Indian tribe has access only to information about a person who is currently receiving services from the specific contract provider or Indian tribe.

(c) A court clerk may only have access to information necessary to comply with Subsection 78B-7-202(2).

(d)

(i) The Office of Guardian Ad Litem may only access:

## HB0472 compared with HB0472S01

(A) the information that is entered into the Management Information System on or after July 1, 2004, and relates to a child or family where the Office of Guardian Ad Litem is appointed by a court to represent the interests of the child; or

(B) any abuse or neglect referral about a child or family where the office has been appointed by a court to represent the interests of the child, regardless of the date that the information is entered into the Management Information System.

(ii) The division may use the information in the Management Information System to screen an individual as described in Subsection 80-2-1002(4)(b)(ii)(A) at the request of the Office of Guardian Ad Litem.

(e) A contract provider or designated representative of the Office of Guardian Ad Litem or an Indian tribe who requests access to information contained in the Management Information System shall:

(i) take all necessary precautions to safeguard the security of the information contained in the Management Information System;

(ii) train its employees regarding:

(A) requirements for protecting the information contained in the Management Information System under this chapter and under Title 63G, Chapter 2, Government Records Access and Management Act; and

(B) the criminal penalties under Sections 63G-2-801 and 80-2-1005 for improper release of information; and

(iii) monitor its employees to ensure that the employees protect the information contained in the Management Information System as required by law.

(7) The division shall take:

(a) all necessary precautions, including password protection and other appropriate and available technological techniques, to prevent unauthorized access to or release of information contained in the Management Information System; and

(b) reasonable precautions to ensure that the division's contract providers comply with Subsection (6).

Section 8. Section **80-2-1002** is amended to read:

**80-2-1002. Licensing Information System -- Contents -- Classification of records -- Access -- Unlawful release -- Penalty.**

(1)

## HB0472 compared with HB0472S01

(a) The division shall maintain a sub-part of the Management Information System as the Licensing Information System to be used:

(i) for licensing purposes; or

(ii) as otherwise provided by law.

(b) Notwithstanding Subsection (1)(a), the department's access to information in the Management Information System for the licensure and monitoring of a foster parent is governed by Sections 80-2-1001 and 26B-2-121.

(2) The Licensing Information System shall include only the following information:

(a) the name and other identifying information of the alleged perpetrator in a supported finding, without identifying the alleged perpetrator as a perpetrator or alleged perpetrator;

(b) a notation to the effect that an investigation regarding the alleged perpetrator described in Subsection (2)(a) is pending;

(c) the information described in Subsection (3);

(d) consented-to supported findings by an alleged perpetrator under Subsection 80-2-708(3)(a)(iii);

(e) a finding from the juvenile court under Section 80-3-404 or 80-3-504; and

(f) the information in the licensing part of the division's Management Information System as of May 6, 2002.

(3) Subject to Section 80-2-1003, upon receipt of a finding from the juvenile court under Section 80-3-404 or 80-3-504, the division shall:

(a) promptly amend the Licensing Information System to include the finding; and

(b) enter the finding in the Management Information System.

(4) Information or a record contained in the Licensing Information System is:

(a) a protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(b) notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, accessible only:

(i) to the Division of Licensing and Background Checks created in Section ~~[26B-2-103]~~ 26B-2-901:

(A) for licensing purposes; or

(B) as otherwise specifically provided for by law;

(ii) to the division to:

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- (A) screen an individual at the request of the Office of Guardian Ad Litem at the time the individual seeks a paid or voluntary position with the Office of Guardian Ad Litem and annually throughout the time that the individual remains with the Office of Guardian Ad Litem; and
- 973 (B) respond to a request for information from an individual whose name is listed in the Licensing  
Information System;
- 975 (iii) to a person designated by the Department of Health and Human Services, only for the following  
purposes:
- 977 (A) licensing a child care program or provider; or
- 978 (B) determining whether an individual associated with a child care facility, program, or provider, who  
is exempt from being licensed or certified by the Department of Health and Human Services under  
Title 26B, Chapter 2, Part 4, Child Care Licensing, has a supported finding of a severe type of child  
abuse or neglect;
- 983 (iv) to a person designated by the Department of Workforce Services and approved by the Department  
of Health and Human Services for the purpose of qualifying a child care provider under Section  
35A-3-310.5;
- 986 (v) to the Bureau of Emergency Medical Services, within the Department of Public Safety, in  
determining whether an individual who is seeking an emergency medical services license has a  
supported finding of a severe type of child abuse or neglect;
- 990 (vi) as provided in Section 26B-2-121; or
- 991 (vii) to the department or another person, as provided in this chapter.
- 992 (5) A person designated by the Department of Health and Human Services, the Department of  
Workforce Services, or the Bureau of Emergency Medical Services under Subsection (4) shall adopt  
measures to:
- 995 (a) protect the security of the Licensing Information System; and
- 996 (b) strictly limit access to the Licensing Information System to persons allowed access by statute.
- 998 (6) The department shall approve a person allowed access by statute to information or a record  
contained in the Licensing Information System and provide training to the person with respect to:
- 1001 (a) accessing the Licensing Information System;
- 1002 (b) maintaining strict security; and
- 1003 (c) the criminal provisions of Sections 63G-2-801 and 80-2-1005 pertaining to the improper release of  
information.

## HB0472 compared with HB0472S01

- 1005 (7)
- (a) Except as authorized by this chapter, a person may not request another person to obtain or release any other information in the Licensing Information System to screen for potential perpetrators of abuse or neglect.
- 1008 (b) A person who requests information knowing that the request is a violation of this Subsection (7) is subject to the criminal penalties described in Sections 63G-2-801 and 80-2-1005.
- 1016 Section 9. Section **81-14-307** is amended to read:
- 1017 **81-14-307. Child-placing agency compliance.**
- 1013 (1) The Division of Licensing and Background Checks, created in Section [26B-2-103] 26B-2-901, may investigate an allegation that a child-placing agency has failed to comply with this part and commence an action for injunctive or other relief or initiate administrative proceedings against the child-placing agency to enforce this part.
- 1017 (2)
- (a) The Office of Licensing may initiate a proceeding to determine whether a child-placing agency has failed to comply with this part.
- 1019 (b) If the Office of Licensing finds that the child-placing agency has failed to comply, the Office of Licensing may suspend or revoke the child-placing agency's license or take other action permitted by law of the state.
- 1027 Section 10. Section **81-14-308** is amended to read:
- 1028 **81-14-308. Rulemaking by Division of Licensing and Background Checks.**
- The Division of Licensing and Background Checks, created in Section [26B-2-103] 26B-2-901, may adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement Sections 81-14-303, 81-14-304, 81-14-305, and 81-14-306.
- 1032 Section 11. **Effective date.**
- Effective Date.
- This bill takes effect on May 6, 2026.

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