

S.B. 45 -- Recodification Crosswalk

2nd Substitute S.B. 45 | February 4, 2022

CHAPTER 1 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Part 1, General Provisions

<u>New Section</u>	<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
26B-1-101		<i>Title.</i>	*All codified titles are repealed
	26-1-1	<i>Title cited as "Utah Health Code."</i>	*All codified titles are repealed
	62A-1-101	<i>Part 1. Department of Human Services Administration</i>	*All codified titles are repealed
26B-1-102		<i>Definitions.</i>	Definitions for "Public health authority" (26-1-2) and "Stabilization services" and "system of care" (62A-1-104) are copied in.
	26-1-2	<i>Definitions.</i>	The definitions for "department" and "executive director" amended to refer to the new DHHS
	62A-1-104	<i>Definitions.</i>	The definition for "department" and "executive director" are amended to point to the new DHHS
26B-1-103	26-1-3	<i>Purpose of title -- Consolidation of health functions into single state agency.</i>	This existing section is amended, and the equivalent Section 26-1-3 is repealed
<u>26B-1-104</u>	<< 26-1-32	<i>Severability of code provisions.</i>	*Renumbered (technical amendments only)
<u>26B-1-105</u>	<< 26-1-33	<i>Individual rights protected.</i>	*Renumbered (technical amendments only)

Part 2, Organization

<u>New Section</u>	<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
26B-1-201		<i>Department of Health and Human Services -- Creation -- Duties.</i>	This existing section is amended to include provisions from Sections 26-1-4 and 62A-1-102 (agency created) and Sections 26-1-18 and 62A-1-114 (general agency authority)
	26-1-18	<i>Authority of department generally.</i>	In 26B-1-201 (technical amendments only)
	62A-1-102	<i>Department of Human Services -- Creation.</i>	In 26B-1-201 (technical amendments only)
	62A-1-114	<i>Department is state agency for specified federal programs -- Development of state plans and programs.</i>	In 26B-1-201 (technical amendments only)
26B-1-201.1		<i>Transition to single state agency -- Transition plan -- Restricted Account.</i>	This section is modified to: (1) remove provisions about a transition plan, and (2) require continued updates to the Legislature and Governor
<u>26B-1-202</u>	<< 62A-1-111	<i>Department authority.</i>	This section brings rennumbers existing department authorities for DOH and DHS, with modifications
	26-1-30	<i>Powers and duties of department.</i>	These provisions are copied into Section 26B-1-202, with modifications

<u>New Section</u>		<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
<u>26B-1-203</u>	<<	62A-1-108	<i>Executive director -- Appointment -- Compensation -- Qualifications -- Responsibilities.</i>	This section is renumbered and adds provisions below, with modifications
		26-1-8	<i>Executive director -- Appointment -- Compensation.</i>	In 26B-1-203, with modifications
		26-1-9	<i>Executive director -- Qualifications.</i>	In 26B-1-203, with modifications
<u>26B-1-204</u>	<<	62A-1-105	<i>Creation of boards, divisions, and offices.</i>	This section is renumbered and adds provisions below, with modifications
		26-1-13	<i>Executive director -- Power to organize department.</i>	In 26B-1-204, with modifications
		26-1-17	<i>Executive director -- Power to prescribe rules for administration and government of department.</i>	In 26B-1-204 (technical amendments only)
<u>26B-1-205</u>	<<	62A-1-109	<i>Division directors -- Appointment -- Compensation -- Qualifications.</i>	This section is renumbered and adds provisions below
		26-1-7	<i>Committees within department.</i>	Provided for in 26B-1-204 and 26B-1-205.
		26-1-14	<i>Executive director -- Appointment, removal, and compensation of division directors.</i>	In 26B-1-205 (technical amendments only)
		62A-1-110	<i>Executive director -- Jurisdiction over division and office directors -- Authority.</i>	In 26B-1-205 (technical amendments only)
<u>26B-1-206</u>	<<	62A-1-107.5	<i>Limitation on establishment of advisory bodies.</i>	This section is renumbered and adds 26-1-7(2). All other amendments are technical
<u>26B-1-207</u>	<<	26-1-4	<i>Department of Health created -- Policymaking responsibilities -- Consultation with local health departments -- Committee to evaluate health policies and to review federal grants -- Committee responsibilities.</i>	This section is renumbered and modified
		26-1-23	<i>Regulations for local health departments prescribed by department -- Local standards not more stringent than federal or state standards -- Exceptions for written findings.</i>	In Section 26B-1-207, with modifications
<u>26B-1-208</u>	<<	62A-1-112	<i>Participation in federal programs -- Federal grants -- Authority of executive director.</i>	*Renumbered (technical amendments only)
		26-1-15	<i>Executive director -- Power to accept federal aid.</i>	This section is similar to Section 26B-1-208
<u>26B-1-209</u>	<<	26-1-6	<i>Fee schedule adopted by department.</i>	*Renumbered (technical amendments only)
<u>26B-1-210</u>	<<	62A-1-113	<i>Department budget -- Reports from divisions.</i>	*Renumbered (technical amendments only)
		26-1-22	<i>Budget preparation and submission to governor.</i>	This section is similar to Section 26B-1-210
<u>26B-1-211</u>	<<	26-1-17.1	<i>Background checks for employees.</i>	This section is renumbered, with modifications
		62A-1-118	<i>Access to abuse and neglect information to screen employees and volunteers.</i>	Certain provisions in this section are moved to Section 26B-1-211

<u>New Section</u>	<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
<u>26B-1-212</u>	<< 26-1-17.5	<i>Confidential records.</i>	*Renumbered (technical amendments only)
<u>26B-1-213</u>	<< 26-1-5	<i>Rules of department.</i>	This section is renumbered and adds provisions below. All other amendments are technical.
	26-1-4.1	<i>Department procedures -- Adjudicative proceedings.</i>	In 26B-1-213
	26-1-7.1	<i>Committee procedures -- Adjudicative proceedings.</i>	In 26B-1-213
	26-1-24	<i>Hearings conducted by department.</i>	In 26B-1-213
	62A-1-106	<i>Adjudicative proceedings.</i>	In 26B-1-213

Part 3, Funds and Accounts

<u>New Section</u>	<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
<u>26B-1-301</u>	<< 26-1-16	<i>Executive director -- Power to accept funds and gifts.</i>	Renumbered (technical amendment only)
<u>26B-1-302</u>	<< 62A-1-202	<i>National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account.</i>	Renumbered
<u>26B-1-303</u>	<< 62A-1-119	<i>Respite Care Assistance Fund -- Use of money -- Restrictions.</i>	Renumbered
<u>26B-1-304</u>	<< 26-1-34	<i>Restricted account created to fund drug testing for law enforcement agencies.</i>	Renumbered (technical amendment only)
<u>26B-1-305</u>	<< 26B-1-201.1	<i>Department of Health and Human Services Transition Restricted Account.</i>	Moved from 26B-1-201.1(8)

Miscellaneous Provisions

<u>New Section</u>	<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
	26-8a-310	<i>Background clearance for emergency medical service personnel.</i>	*Cross-references are updated
	26-18-2.4	<i>Medicaid drug program -- Preferred drug list.</i>	A reporting requirement is repealed
	26-54-103	<i>Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric Neuro-Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms -- Duties.</i>	A reporting requirement is repealed
	26A-1-102	<i>Definitions.</i>	*Cross-references are updated
	26A-1-121	<i>Standards and regulations adopted by local board - Local standards not more stringent than federal or state standards - Exceptions for written findings - Administrative, judicial review of actions.</i>	*Cross-references are updated
<u>26B-2-101</u>		<i>Reserved -- Clinical services.</i>	*Reserved for recodification
<u>26B-3-101</u>		<i>Reserved -- Licensing and oversight.</i>	*Reserved for recodification
<u>26B-4-101</u>		<i>Reserved -- Health care administration.</i>	*Reserved for recodification
<u>26B-5-101</u>		<i>Reserved -- Health care services.</i>	*Reserved for recodification

<u>New Section</u>	<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
<u>26B-6-101</u>		<i>Reserved -- Long-term services and supports.</i>	*Reserved for recodification
<u>26B-7-101</u>		<i>Reserved -- Public health, prevention, and epidemiology.</i>	Reserved for recodification
<u>26B-8-101</u>		<i>Reserved -- Children, youth, and families.</i>	Reserved for recodification
<u>26B-9-101</u>		<i>Reserved -- Miscellaneous.</i>	Reserved for recodification
	35A-3-103	<i>Department responsibilities.</i>	Amends DWS duties relating to Medicaid
	62A-15-102	<i>Definitions</i>	References to the division and director are modified
	62A-15-103	<i>Division -- Creation -- Responsibilities.</i>	References to the division are modified
	62A-15-104	<i>Director -- Qualifications.</i>	References to the director are modified
	63I-2-226	<i>Repeal dates -- Title 26.</i>	*Cross-references are updated

Repealed Sections

<u>New Section</u>	<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
	26-1-1	<i>Title cited as "Utah Health Code."</i>	*All codified titles are repealed
	26-1-3	<i>Purpose of title -- Consolidation of health functions into single state agency.</i>	Section 26B-1-103 is amended, and this equivalent is repealed
	26-1-4.1	<i>Department procedures -- Adjudicative proceedings.</i>	In 26B-1-213
	26-1-7	<i>Committees within department.</i>	Not merged. Provided for in 26B-1-204.
	26-1-7.1	<i>Committee procedures -- Adjudicative proceedings.</i>	In 26B-1-213
	26-1-8	<i>Executive director -- Appointment -- Compensation.</i>	In 26B-1-203, with modifications
	26-1-9	<i>Executive director -- Qualifications.</i>	In 26B-1-203, with modifications
	26-1-13	<i>Executive director -- Power to organize department.</i>	In 26B-1-204, with modifications
	26-1-14	<i>Executive director -- Appointment, removal, and compensation of division directors.</i>	In 26B-1-201 (technical amendments only)
	26-1-15	<i>Executive director -- Power to accept federal aid.</i>	This section is similar to Section 26B-1-208
	26-1-17	<i>Executive director -- Power to prescribe rules for administration and government of department.</i>	In 26B-1-204 (technical amendments only)
	26-1-18	<i>Authority of department generally.</i>	In 26B-1-201 (technical amendments only)
	26-1-20	<i>Advisory committees created by department.</i>	Not merged. Provided for in 26B-1-206
	26-1-21	<i>Disposal of property by department.</i>	This provision is obsolete and being repealed
	26-1-22	<i>Budget preparation and submission to governor.</i>	This section is similar to Section 26B-1-210

<u>New Section</u>	<u>Old Section(s)</u>	<u>Boldface (section description)</u>	<u>Notes</u>
	26-1-23	<i>Regulations for local health departments prescribed by department -- Local standards not more stringent than federal or state standards -- Exceptions for written findings.</i>	In Section 26B-1-207, with modifications
	26-1-24	<i>Hearings conducted by department.</i>	In 26B-1-213
	26-1-25	<i>Principal and branch offices of department.</i>	This provision is obsolete and being repealed
	26-1-30	<i>Powers and duties of department.</i>	These provisions are copied into Section 26B-1-202, with modifications
	26B-1-101	<i>Title.</i>	*All codified titles are repealed
	62A-1-101	<i>Part 1. Department of Human Services Administration</i>	*All codified titles are repealed
	62A-1-102	<i>Department of Human Services -- Creation.</i>	In 26B-1-201 (technical amendments only)
	62A-1-106	<i>Adjudicative proceedings.</i>	In 26B-1-213
	62A-1-110	<i>Executive director -- Jurisdiction over division and office directors -- Authority.</i>	In 26B-1-205 (technical amendments only)
	62A-1-114	<i>Department is state agency for specified federal programs -- Development of state plans and programs.</i>	In 26B-1-201 (technical amendments only)
	62A-1-118	<i>Access to abuse and neglect information to screen employees and volunteers.</i>	Certain provisions in this section are moved to Section 26B-1-211
	62A-5-304	<i>Limited admission of persons convicted of felony offenses.</i>	Repealed at agency request because of conflict with federal law