

**INTERCOUNTRY ADOPTION ACCREDITATION**

2005 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rosalind J. McGee**

Senate Sponsor: Karen Hale

Ann W. Hardy

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**LONG TITLE**

**General Description:**

This bill authorizes the Office of Licensing, within the Department of Human Services, to accredit agencies and persons to provide intercountry adoption services involving countries that are parties to the Hague Convention on Protection of Children and Co-operation in Respect to Intercountry Adoption.

**Highlighted Provisions:**

This bill:

▶ provides that the Office of Licensing, within the Department of Human Services, shall:

- accredit agencies and persons to provide intercountry adoption services, pursuant to the Intercountry Adoption Act of 2000 and its implementing regulations; and
  - make rules to implement the accreditation of agencies and persons to provide intercountry adoption services; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-1-111**, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

**62A-2-106**, as last amended by Chapter 119, Laws of Utah 2003

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

Section 1. Section **62A-1-111** is amended to read:

**62A-1-111. Department authority.**

The department may, in addition to all other authority and responsibility granted to it by law:

(1) adopt rules, not inconsistent with law, as the department may consider necessary or desirable for providing social services to the people of this state;

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

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

(4) conduct adjudicative proceedings for clients and providers in accordance with the procedures of Title 63, Chapter 46b, Administrative Procedures Act;

(5) establish eligibility standards for its programs, not inconsistent with state or federal law or regulations;

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

(7) set and collect fees for its services;

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

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

(10) 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;

(11) 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;

(12) carry out the responsibility assigned in the Workforce Services Plan by the State Council on Workforce Services;

(13) carry out the responsibility assigned by Section 9-4-802 with respect to coordination of services for the homeless;

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

(15) provide training and educational opportunities for its staff;

(16) collect child support payments and any other monies due to the department;

(17) apply the provisions of Title 78, Chapter 45, Uniform Civil Liability for Support Act, to parents whose child lives out of the home in a department licensed or certified setting;

(18) establish policy and procedures in cases where the department is given custody of a minor by the juvenile court pursuant to Section 78-3a-118; any policy and procedures shall include:

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

(b) delineation of assessment criteria and procedures;

(c) minimum requirements, and timeframes, for the development and implementation of a collaborative service plan for each minor placed in department custody; and

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

(19) carry out the responsibilities assigned to it by statute; ~~and~~

(20) examine and audit the expenditures of any public funds provided to local substance abuse authorities, local mental health authorities, local area agencies on aging, and any person, agency, or organization that contracts with or receives funds from those authorities or agencies.

Those local authorities, area agencies, and any person or entity that contracts with or receives funds from those authorities or area agencies, shall provide the department with any information the department considers necessary. The department is further authorized to issue directives resulting from any examination or audit to local authorities, area agencies, and persons or entities that contract with or receive funds from those authorities with regard to any public funds. If the department determines that it is necessary to withhold funds from a local mental health authority or local substance abuse authority based on failure to comply with state or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of services. For purposes of this Subsection (20) "public funds" means the same as that term is defined in Section 62A-15-102[-]; and

(21) pursuant to Subsection 62A-2-106(4), accredit one or more agencies and persons to provide intercountry adoption services.

Section 2. Section **62A-2-106** is amended to read:

**62A-2-106. Office responsibilities.**

The office shall:

(1) make rules to establish:

(a) basic health and safety standards for licensees, which shall be limited to the

following:

(i) fire safety;

(ii) food safety;

(iii) sanitation;

(iv) infectious disease control;

(v) safety of the physical plant;

(vi) transportation safety;

(vii) emergency preparedness;

(viii) the administration of medical standards and procedures, consistent with the related provisions of this title; and

(ix) consumer safety and protection;

(b) minimum administration and financial requirements for licensees; and  
(c) guidelines for variances from rules established under this Subsection (1);  
(2) enforce rules:  
(a) approved by the licensing board;  
(b) in effect on January 1, 1998, that apply to a service or program for which a licensee is not under contract with a division listed in Section 62A-1-105 to provide until rules are established pursuant to Subsection (2)(c); and

(c) established after July 1, 1999, by a policymaking board created by Section 62A-1-105 which:

(i) shall be limited to:  
(A) the administration and maintenance of client and service records;  
(B) staff qualifications; and  
(C) staff to client ratios; and  
(ii) may only apply to a service or program for which a licensee is not under contract with a division listed in Section 62A-1-105 to provide;

(3) issue licenses in accordance with this chapter;  
(4) if the United States Department of State executes an agreement with the office that designates the office 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:

(a) the Intercountry Adoption Act of 2000, Pub. L. No. 106-279; and  
(b) the implementing regulations for the Intercountry Adoption Act of 2000, Pub. L. No. 106-279;

(5) make rules to implement the provisions of Subsection (4);  
[(4)] (6) conduct surveys and inspections of licensees and facilities in accordance with Section 62A-2-118;

[(5)] (7) collect licensure fees;

[(6)] (8) provide necessary administrative support to the licensing board;

[~~(7)~~] (9) provide notification to licensee or facility, including providers and subproviders, of a person within the department to contact when filing a complaint;

[~~(8)~~] (10) investigate complaints regarding any licensee or facility;

[~~(9)~~] (11) have access to all records, correspondence, and financial data required to be maintained by a licensee or facility;

[~~(10)~~] (12) have authority to interview any client, family member of a client, employee, or officer of a human services licensee or facility; and

[~~(11)~~] (13) have authority to revoke, suspend, or extend any license issued by the department under this chapter by following the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act.