

2723 Department of Environmental Quality; and

2724 (ii) necessary for the promotion of public health, environmental health quality, injury
2725 control, and the prevention of outbreaks and spread of communicable and infectious diseases.

2726 (b) The standards and regulations under Subsection (1)(a):

2727 (i) supersede existing local standards, regulations, and ordinances pertaining to similar
2728 subject matter; ~~Ĥ→~~ **[and]** ~~←Ĥ~~

2729 (ii) ~~[except as provided under Subsection (1)(c) and]~~ except where specifically allowed
2730 by federal law or state statute, may not be more stringent than those established by federal law,

2731 state statute, or administrative rules adopted by the ~~[Department of Health]~~ department in

2732 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act ~~Ĥ→~~ **[:]** ; **and**

2732a **(iii) notwithstanding Subsection (1)(b)(ii), may be more stringent than those established**

2732b **by federal law, state statute, or administrative rule adopted by the department if the standard**

2732c **or regulation is:**

2732d **(A) in effect on February 1, 2022; and**

2732e **(B) not modified or amended after February 1, 2022.** ~~←Ĥ~~

2733 ~~[(c) (i) The board may make standards and regulations more stringent than~~

2734 ~~corresponding federal law, state statute, or state administrative rules for the purposes described~~

2735 ~~in Subsection (1)(a), only if the board makes a written finding after public comment and~~

2736 ~~hearing and based on evidence in the record, that corresponding federal laws, state statutes, or~~

2737 ~~state administrative rules are not adequate to protect public health and the environment of the~~

2738 ~~state.]~~

2739 ~~[(ii) The findings shall address the public health information and studies contained in~~

2740 ~~the record, which form the basis for the board's conclusion.]~~

2741 ~~[(d)]~~ **(c)** The board shall provide public hearings prior to the adoption of any regulation

2742 or standard.

2743 **(d)** Notice of any public hearing shall be published at least twice throughout the county

2744 or counties served by the local health department. The publication may be in one or more

2745 newspapers, if the notice is provided in accordance with this Subsection (1)(d).

2746 (e) The hearings may be conducted by the board at a regular or special meeting, or the

2747 board may appoint hearing officers who may conduct hearings in the name of the board at a

2748 designated time and place.

2749 (f) A record or summary of the proceedings of a hearing shall be taken and filed with

2750 the board.

2751 (g) (i) During a declared public health emergency declared under this chapter or under

2752 Title 26, Chapter 23b, Detection of Public Health Emergencies Act:

2753 (A) except as provided in Subsection (1)(h), a local health department may not issue an

- 3250 (e) State Emergency Medical Services Committee;
- 3251 (f) Air Ambulance Committee;
- 3252 (g) Health Data Committee;
- 3253 (h) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
- 3254 (i) Residential Child Care Licensing Advisory Committee;
- 3255 (j) Child Care Center Licensing Committee;
- 3256 (k) Primary Care Grant Committee;
- 3257 (l) Adult Autism Treatment Program Advisory Committee;
- 3258 (m) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee;
- 3259 and
- 3260 (n) any boards, councils, or committees that are created by statute in:
- 3261 (i) this title;
- 3262 (ii) Title 26, Utah Health Code; or
- 3263 (iii) Title 62A, Utah Human Services Code.
- 3264 ~~[(2)]~~ (3) The following divisions are created within the Department of Health and
- 3265 Human Services:
- 3266 (a) relating to operations:
- 3267 (i) the Division of Finance and Administration;
- 3268 (ii) the Division of Licensing and Background Checks;
- 3269 (iii) the Division of Customer Experience;
- 3270 (iv) the Division of Data, Systems, and Evaluation; and
- 3271 (v) the Division of Continuous Quality Improvement;
- 3272 (b) relating to healthcare administration:
- 3273 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 3274 (A) the state's medical assistance programs; and
- 3275 (B) behavioral health programs described in Title 62A, Chapter 15, Substance Abuse
- 3276 and Mental Health Act;
- 3277 (ii) the Division of Aging and Adult Services; and
- 3278 (iii) the Division ~~H~~ ~~→~~ **[for]** ~~of~~ ~~←~~ ~~H~~ Services for People with Disabilities; and
- 3279 (c) relating to community health and well-being:
- 3280 (i) the Division of Child and Family Services;

4831 ~~Services or the Department of Health]~~ department, and state money appropriated by the
 4832 Legislature to the [~~Department of Human Services, the Department of Health]~~ department, a
 4833 county governing body, or a local substance abuse authority, or a local mental health authority
 4834 for the purposes of providing substance abuse or mental health programs or services.

4835 (b) "Public funds" include federal and state money that has been transferred by a local
 4836 substance abuse authority or a local mental health authority to a private provider under an
 4837 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental
 4838 health programs or services for the local substance abuse authority or local mental health
 4839 authority. The money maintains the nature of "public funds" while in the possession of the
 4840 private entity that has an annual or otherwise ongoing contract with a local substance abuse
 4841 authority or a local mental health authority to provide comprehensive substance abuse or
 4842 mental health programs or services for the local substance abuse authority or local mental
 4843 health authority.

4844 (c) Public funds received for the provision of services [~~pursuant to~~] under substance
 4845 abuse or mental health service plans may not be used for any other purpose except those
 4846 authorized in the contract between the local mental health or substance abuse authority and
 4847 provider for the provision of plan services.

4848 (12) "Severe mental disorder" means schizophrenia, major depression, bipolar
 4849 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by
 4850 the division.

4851 (13) "Statewide mental health crisis line" means the same as that term is defined in
 4852 Section 62A-15-1301.

4853 Section 93. Section **62A-15-103** is amended to read:

4854 **62A-15-103. Division -- Responsibilities.**

4855 (1) (a) [~~There is created~~] The division shall exercise responsibility over the
 4856 policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities
 4857 outlined in state law that were previously vested in the Division of ~~H~~→ [f] **Substance Abuse and**
 4858 **Mental Health** [f] ~~Integrated Healthcare~~ ←~~H~~ within the department, under the administration and
 4859 general supervision of the executive director.

4860 (b) The division is the substance abuse authority and the mental health authority for
 4861 this state.

5141 or pregnant minor.

5142 (11) The division shall employ a school-based mental health specialist to be housed at
5143 the State Board of Education who shall work with the State Board of Education to:

5144 (a) provide coordination between a local education agency and local mental health
5145 authority;

5146 (b) recommend evidence-based and evidence informed mental health screenings and
5147 intervention assessments for a local education agency; and

5148 (c) coordinate with the local community, including local departments of health, to
5149 enhance and expand mental health related resources for a local education agency.

5150 Section 94. Section **62A-15-104** is amended to read:

5151 **62A-15-104. Director -- Qualifications.**

5152 (1) The [~~director of the division shall be appointed by the~~] executive director shall
5153 appoint ~~the~~ ~~an individual~~ a director within the division ~~to~~ to carry out all or part of the duties
5153a and responsibilities ~~of the director~~
5154 described in this part.

5155 (2) The director appointed under Subsection (1) shall have a bachelor's degree from an
5156 accredited university or college, be experienced in administration, and be knowledgeable in
5157 matters concerning substance abuse and mental health.

5158 [~~(3) The director is the administrative head of the division.~~]

5159 Section 95. Section **63A-13-102** is amended to read:

5160 **63A-13-102. Definitions.**

5161 As used in this chapter:

5162 (1) "Abuse" means:

5163 (a) an action or practice that:

5164 (i) is inconsistent with sound fiscal, business, or medical practices; and

5165 (ii) results, or may result, in unnecessary Medicaid related costs; or

5166 (b) reckless or negligent upcoding.

5167 (2) "Claimant" means a person that:

5168 (a) provides a service; and

5169 (b) submits a claim for Medicaid reimbursement for the service.

5170 (3) "Department" means the Department of Health[;] and Human Services created in

5171 Section [~~26-1-4~~] 26B-1-201.