

Senator Jacob L. Anderegg proposes the following substitute bill:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill implements the reorganization of the Department of Health and Human Services.

Highlighted Provisions:

This bill:

- ▶ implements the reorganization of the Department of Health and Human Services;
- ▶ specifies the duties and responsibilities of the newly combined agency;
- ▶ harmonizes conflicting provisions of the Utah Health Code and the Utah Human Services Code;
- ▶ amends the responsibilities of the Department of Workforce Services; and
- ▶ makes technical and corresponding changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:



- 26 **26-1-2**, as last amended by Laws of Utah 2012, Chapter 391
- 27 **26-8a-310**, as last amended by Laws of Utah 2021, Chapters 237 and 262
- 28 **26-18-2.4**, as last amended by Laws of Utah 2016, Chapters 168 and 279
- 29 **26-54-103**, as last amended by Laws of Utah 2019, Chapter 405
- 30 **26B-1-102**, as enacted by Laws of Utah 2021, Chapter 422
- 31 **26B-1-103**, as enacted by Laws of Utah 2021, Chapter 422
- 32 **26B-1-201**, as enacted by Laws of Utah 2021, Chapter 422
- 33 **26B-1-201.1**, as enacted by Laws of Utah 2021, Chapter 422
- 34 **35A-3-103 (Effective 07/01/22)**, as last amended by Laws of Utah 2021, Chapter 422
- 35 **62A-1-104**, as last amended by Laws of Utah 2020, Chapter 303
- 36 **62A-1-111.6**, as enacted by Laws of Utah 2021, Chapter 22
- 37 **62A-15-102**, as last amended by Laws of Utah 2020, Chapter 303
- 38 **62A-15-103**, as last amended by Laws of Utah 2021, Chapters 231 and 277
- 39 **62A-15-104**, as last amended by Laws of Utah 2009, Chapter 75
- 40 **63I-2-226**, as last amended by Laws of Utah 2021, Chapters 277, 422, and 433

41 ENACTS:

- 42 **26B-2-101**, Utah Code Annotated 1953
- 43 **26B-3-101**, Utah Code Annotated 1953
- 44 **26B-4-101**, Utah Code Annotated 1953
- 45 **26B-5-101**, Utah Code Annotated 1953
- 46 **26B-6-101**, Utah Code Annotated 1953
- 47 **26B-7-101**, Utah Code Annotated 1953
- 48 **26B-8-101**, Utah Code Annotated 1953
- 49 **26B-9-101**, Utah Code Annotated 1953

50 RENUMBERS AND AMENDS:

- 51 **26B-1-104**, (Renumbered from 26-1-32, as last amended by Laws of Utah 2011,
- 52 Chapter 297)
- 53 **26B-1-105**, (Renumbered from 26-1-33, as enacted by Laws of Utah 1981, Chapter
- 54 126)
- 55 **26B-1-202**, (Renumbered from 62A-1-111, as last amended by Laws of Utah 2021,
- 56 Chapters 22 and 262)

57 **26B-1-203**, (Renumbered from 62A-1-108, as last amended by Laws of Utah 2020,
58 Chapter 352)

59 **26B-1-204**, (Renumbered from 62A-1-105, as last amended by Laws of Utah 2019,
60 Chapters 139 and 246)

61 **26B-1-205**, (Renumbered from 62A-1-109, as last amended by Laws of Utah 2021,
62 Chapter 345)

63 **26B-1-206**, (Renumbered from 62A-1-107.5, as enacted by Laws of Utah 2003,
64 Chapter 246)

65 **26B-1-207**, (Renumbered from 26-1-4, as last amended by Laws of Utah 2013, Chapter
66 167)

67 **26B-1-208**, (Renumbered from 62A-1-112, as last amended by Laws of Utah 2008,
68 Chapter 382)

69 **26B-1-209**, (Renumbered from 26-1-6, as last amended by Laws of Utah 2018, Chapter
70 469)

71 **26B-1-210**, (Renumbered from 62A-1-113, as enacted by Laws of Utah 1988, Chapter
72 1)

73 **26B-1-211**, (Renumbered from 26-1-17.1, as enacted by Laws of Utah 2018, Chapter
74 427)

75 **26B-1-212**, (Renumbered from 26-1-17.5, as last amended by Laws of Utah 2018,
76 Chapter 415)

77 **26B-1-301**, (Renumbered from 26-1-16, as enacted by Laws of Utah 1981, Chapter
78 126)

79 **26B-1-302**, (Renumbered from 62A-1-202, as last amended by Laws of Utah 2021,
80 Chapter 356)

81 **26B-1-303**, (Renumbered from 62A-1-119, as last amended by Laws of Utah 2016,
82 Chapter 168)

83 **26B-1-304**, (Renumbered from 26-1-34, as enacted by Laws of Utah 1998, Chapter
84 247)

85 REPEALS:

86 **26-1-1**, as enacted by Laws of Utah 1981, Chapter 126

87 **26-1-3**, as last amended by Laws of Utah 1991, Chapter 112

- 88 **26B-1-101**, as enacted by Laws of Utah 2021, Chapter 422
- 89 **62A-1-101**, as last amended by Laws of Utah 1992, Chapter 30
- 90 **62A-1-102**, as last amended by Laws of Utah 1990, Chapter 183
- 91 **62A-5-304**, as last amended by Laws of Utah 2011, Chapter 366

92

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

94 Section 1. Section **26-1-2** is amended to read:

95 **26-1-2. Definitions.**

96 [~~Subject to additional definitions contained in the chapters of this title which are~~
97 ~~applicable to specific chapters, as] As used in this title:~~

98 (1) "Council" means the Utah Health Advisory Council.

99 (2) "Department" means the Department of Health and Human Services created in
100 Section [~~26-1-4~~] 26B-1-201.

101 (3) "Executive director" means the executive director of the department appointed
102 [~~pursuant to Section 26-1-8~~] under Section 26B-1-203.

103 (4) "Public health authority" means an agency or authority of the United States, a state,
104 a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting under
105 a grant of authority from or contract with such an agency, that is responsible for public health
106 matters as part of its official mandate.

107 Section 2. Section **26-8a-310** is amended to read:

108 **26-8a-310. Background clearance for emergency medical service personnel.**

109 (1) Subject to Section 26-8a-310.5, the department shall determine whether to grant
110 background clearance for an individual seeking licensure or certification under Section
111 26-8a-302 from whom the department receives:

112 (a) the individual's social security number, fingerprints, and other personal
113 identification information specified by the department under Subsection (4); and

114 (b) any fees established by the department under Subsection (10).

115 (2) The department shall determine whether to deny or revoke background clearance
116 for individuals for whom the department has previously granted background clearance.

117 (3) The department shall determine whether to grant, deny, or revoke background
118 clearance for an individual based on an initial and ongoing evaluation of information the

119 department obtains under Subsections (5) and (11), which, at a minimum, shall include an
120 initial criminal background check of state, regional, and national databases using the
121 individual's fingerprints.

122 (4) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
123 Administrative Rulemaking Act, that specify:

124 (a) the criteria the department will use under Subsection (3) to determine whether to
125 grant, deny, or revoke background clearance; and

126 (b) the other personal identification information an individual seeking licensure or
127 certification under Section [26-8a-302](#) must submit under Subsection (1).

128 (5) To determine whether to grant, deny, or revoke background clearance, the
129 department may access and evaluate any of the following:

130 (a) Department of Public Safety arrest, conviction, and disposition records described in
131 Title 53, Chapter 10, Criminal Investigations and Technical Services Act, including
132 information in state, regional, and national records files;

133 (b) adjudications by a juvenile court of committing an act that if committed by an adult
134 would be a felony or misdemeanor, if:

135 (i) the applicant is under 28 years old; or

136 (ii) the applicant:

137 (A) is over 28 years old; and

138 (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in
139 abeyance or diversion agreement for a felony or misdemeanor;

140 (c) juvenile court arrest, adjudication, and disposition records, other than those under
141 Subsection (5)(b), as allowed under Section [78A-6-209](#);

142 (d) child abuse or neglect findings described in Section [80-3-404](#);

143 (e) the [~~Department of Human Services' Division of Child and Family Services~~]
144 department's Licensing Information System described in Section [62A-4a-1006](#);

145 (f) the [~~Department of Human Services' Division of Aging and Adult Services~~]
146 department's database of reports of vulnerable adult abuse, neglect, or exploitation, described
147 in Section [62A-3-311.1](#);

148 (g) Division of Occupational and Professional Licensing records of licensing and
149 certification under Title 58, Occupations and Professions;

150 (h) records in other federal criminal background databases available to the state; and

151 (i) any other records of arrests, warrants for arrest, convictions, pleas in abeyance,
152 pending diversion agreements, or dispositions.

153 (6) Except for the Department of Public Safety, an agency may not charge the
154 department for information accessed under Subsection (5).

155 (7) When evaluating information under Subsection (3), the department shall classify a
156 crime committed in another state according to the closest matching crime under Utah law,
157 regardless of how the crime is classified in the state where the crime was committed.

158 (8) The department shall adopt measures to protect the security of information the
159 department accesses under Subsection (5), which shall include limiting access by department
160 employees to those responsible for acquiring, evaluating, or otherwise processing the
161 information.

162 (9) The department may disclose personal identification information the department
163 receives under Subsection (1) to the [~~Department of Human Services~~] department to verify that
164 the subject of the information is not identified as a perpetrator or offender in the information
165 sources described in Subsections (5)(d) through (f).

166 (10) The department may charge fees, in accordance with Section [63J-1-504](#), to pay
167 for:

168 (a) the cost of obtaining, storing, and evaluating information needed under Subsection
169 (3), both initially and on an ongoing basis, to determine whether to grant, deny, or revoke
170 background clearance; and

171 (b) other department costs related to granting, denying, or revoking background
172 clearance.

173 (11) The Criminal Investigations and Technical Services Division within the
174 Department of Public Safety shall:

175 (a) retain, separate from other division records, personal information under Subsection
176 (1), including any fingerprints sent to it by the [~~Department of Health~~] department; and

177 (b) notify the [~~Department of Health~~] department upon receiving notice that an
178 individual for whom personal information has been retained is the subject of:

179 (i) a warrant for arrest;

180 (ii) an arrest;

181 (iii) a conviction, including a plea in abeyance; or

182 (iv) a pending diversion agreement.

183 (12) The department shall use the Direct Access Clearance System database created
184 under Section 26-21-209 to manage information about the background clearance status of each
185 individual for whom the department is required to make a determination under Subsection (1).

186 (13) Clearance granted for an individual licensed or certified under Section 26-8a-302
187 is valid until two years after the day on which the individual is no longer licensed or certified in
188 Utah as emergency medical service personnel.

189 Section 3. Section 26-18-2.4 is amended to read:

190 **26-18-2.4. Medicaid drug program -- Preferred drug list.**

191 (1) A Medicaid drug program developed by the department under Subsection
192 26-18-2.3(2)(f):

193 (a) shall, notwithstanding Subsection 26-18-2.3(1)(b), be based on clinical and
194 cost-related factors which include medical necessity as determined by a provider in accordance
195 with administrative rules established by the Drug Utilization Review Board;

196 (b) may include therapeutic categories of drugs that may be exempted from the drug
197 program;

198 (c) may include placing some drugs, except the drugs described in Subsection (2), on a
199 preferred drug list:

200 (i) to the extent determined appropriate by the department; and

201 (ii) in the manner described in Subsection (3) for psychotropic drugs;

202 (d) notwithstanding the requirements of Part 2, Drug Utilization Review Board, and
203 except as provided in Subsection (3), shall immediately implement the prior authorization
204 requirements for a nonpreferred drug that is in the same therapeutic class as a drug that is:

205 (i) on the preferred drug list on the date that this act takes effect; or

206 (ii) added to the preferred drug list after this act takes effect; and

207 (e) except as prohibited by Subsections 58-17b-606(4) and (5), shall establish the prior
208 authorization requirements established under Subsections (1)(c) and (d) which shall permit a
209 health care provider or the health care provider's agent to obtain a prior authorization override
210 of the preferred drug list through the department's pharmacy prior authorization review process,
211 and which shall:

212 (i) provide either telephone or fax approval or denial of the request within 24 hours of
213 the receipt of a request that is submitted during normal business hours of Monday through
214 Friday from 8 a.m. to 5 p.m.;

215 (ii) provide for the dispensing of a limited supply of a requested drug as determined
216 appropriate by the department in an emergency situation, if the request for an override is
217 received outside of the department's normal business hours; and

218 (iii) require the health care provider to provide the department with documentation of
219 the medical need for the preferred drug list override in accordance with criteria established by
220 the department in consultation with the Pharmacy and Therapeutics Committee.

221 (2) (a) For purposes of this Subsection (2):

222 (i) "Immunosuppressive drug":

223 (A) means a drug that is used in immunosuppressive therapy to inhibit or prevent
224 activity of the immune system to aid the body in preventing the rejection of transplanted organs
225 and tissue; and

226 (B) does not include drugs used for the treatment of autoimmune disease or diseases
227 that are most likely of autoimmune origin.

228 (ii) "Stabilized" means a health care provider has documented in the patient's medical
229 chart that a patient has achieved a stable or steadfast medical state within the past 90 days using
230 a particular psychotropic drug.

231 (b) A preferred drug list developed under the provisions of this section may not include
232 an immunosuppressive drug.

233 (c) The state Medicaid program shall reimburse for a prescription for an
234 immunosuppressive drug as written by the health care provider for a patient who has undergone
235 an organ transplant. For purposes of Subsection 58-17b-606(4), and with respect to patients
236 who have undergone an organ transplant, the prescription for a particular immunosuppressive
237 drug as written by a health care provider meets the criteria of demonstrating to the Department
238 of Health a medical necessity for dispensing the prescribed immunosuppressive drug.

239 (d) Notwithstanding the requirements of Part 2, Drug Utilization Review Board, the
240 state Medicaid drug program may not require the use of step therapy for immunosuppressive
241 drugs without the written or oral consent of the health care provider and the patient.

242 (e) The department may include a sedative hypnotic on a preferred drug list in

243 accordance with Subsection (2)(f).

244 (f) The department shall grant a prior authorization for a sedative hypnotic that is not
245 on the preferred drug list under Subsection (2)(e), if the health care provider has documentation
246 related to one of the following conditions for the Medicaid client:

247 (i) a trial and failure of at least one preferred agent in the drug class, including the
248 name of the preferred drug that was tried, the length of therapy, and the reason for the
249 discontinuation;

250 (ii) detailed evidence of a potential drug interaction between current medication and
251 the preferred drug;

252 (iii) detailed evidence of a condition or contraindication that prevents the use of the
253 preferred drug;

254 (iv) objective clinical evidence that a patient is at high risk of adverse events due to a
255 therapeutic interchange with a preferred drug;

256 (v) the patient is a new or previous Medicaid client with an existing diagnosis
257 previously stabilized with a nonpreferred drug; or

258 (vi) other valid reasons as determined by the department.

259 (g) A prior authorization granted under Subsection (2)(f) is valid for one year from the
260 date the department grants the prior authorization and shall be renewed in accordance with
261 Subsection (2)(f).

262 (3) (a) For purposes of this Subsection (3), "psychotropic drug" means the following
263 classes of drugs:

264 (i) atypical anti-psychotic;

265 (ii) anti-depressant;

266 (iii) anti-convulsant/mood stabilizer;

267 (iv) anti-anxiety; and

268 (v) attention deficit hyperactivity disorder stimulant.

269 (b) The department shall develop a preferred drug list for psychotropic drugs. Except
270 as provided in Subsection (3)(d), a preferred drug list for psychotropic drugs developed under
271 this section shall allow a health care provider to override the preferred drug list by writing
272 "dispense as written" on the prescription for the psychotropic drug. A health care provider may
273 not override Section [58-17b-606](#) by writing "dispense as written" on a prescription.

274 (c) The department, and a Medicaid accountable care organization that is responsible
275 for providing behavioral health, shall:

276 (i) establish a system to:

277 (A) track health care provider prescribing patterns for psychotropic drugs;

278 (B) educate health care providers who are not complying with the preferred drug list;

279 and

280 (C) implement peer to peer education for health care providers whose prescribing
281 practices continue to not comply with the preferred drug list; and

282 (ii) determine whether health care provider compliance with the preferred drug list is at
283 least:

284 (A) 55% of prescriptions by July 1, 2017;

285 (B) 65% of prescriptions by July 1, 2018; and

286 (C) 75% of prescriptions by July 1, 2019.

287 (d) Beginning October 1, 2019, the department shall eliminate the dispense as written
288 override for the preferred drug list, and shall implement a prior authorization system for
289 psychotropic drugs, in accordance with Subsection (2)(f), if by July 1, 2019, the department has
290 not realized annual savings from implementing the preferred drug list for psychotropic drugs of
291 at least \$750,000 General Fund savings.

292 ~~[(e) The department shall report to the Health and Human Services Interim Committee~~
293 ~~and the Social Services Appropriations Subcommittee before November 30, 2016, and before~~
294 ~~each November 30 thereafter regarding compliance with and savings from implementation of~~
295 ~~this Subsection (3).]~~

296 Section 4. Section **26-54-103** is amended to read:

297 **26-54-103. Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric**
298 **Neuro-Rehabilitation Fund Advisory Committee -- Creation -- Membership -- Terms --**
299 **Duties.**

300 (1) There is created a Spinal Cord and Brain Injury Rehabilitation Fund and Pediatric
301 Neuro-Rehabilitation Fund Advisory Committee.

302 (2) The advisory committee shall be composed of 11 members as follows:

303 (a) the executive director, or the executive director's designee;

304 (b) two survivors, or family members of a survivor, of a traumatic brain injury

305 appointed by the governor;

306 (c) two survivors, or family members of a survivor, of a traumatic spinal cord injury
307 appointed by the governor;

308 (d) one traumatic brain injury or spinal cord injury professional appointed by the
309 governor who, at the time of appointment and throughout the professional's term on the
310 committee, does not receive a financial benefit from the fund;

311 (e) two parents of a child with a nonprogressive neurological condition appointed by
312 the governor;

313 (f) (i) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy
314 Practice Act, with experience treating brain and spinal cord injuries, appointed by the governor;
315 or

316 (ii) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
317 Therapy Practice Act, with experience treating brain and spinal cord injuries, appointed by the
318 governor;

319 (g) a member of the House of Representatives appointed by the speaker of the House of
320 Representatives; and

321 (h) a member of the Senate appointed by the president of the Senate.

322 (3) (a) The term of advisory committee members shall be four years. If a vacancy
323 occurs in the committee membership for any reason, a replacement shall be appointed for the
324 unexpired term in the same manner as the original appointment.

325 (b) The committee shall elect a chairperson from the membership.

326 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
327 is present at an open meeting, the action of the majority of members shall be the action of the
328 advisory committee.

329 (d) The terms of the advisory committee shall be staggered so that members appointed
330 under Subsections (2)(b), (d), and (f) shall serve an initial two-year term and members
331 appointed under Subsections (2)(c), (e), and (g) shall serve four-year terms. Thereafter,
332 members appointed to the advisory committee shall serve four-year terms.

333 (4) The advisory committee shall comply with the procedures and requirements of:

334 (a) Title 52, Chapter 4, Open and Public Meetings Act;

335 (b) Title 63G, Chapter 2, Government Records Access and Management Act; and

336 (c) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

337 (5) (a) A member who is not a legislator may not receive compensation or benefits for
338 the member's service, but, at the executive director's discretion, may receive per diem and
339 travel expenses as allowed in:

340 (i) Section 63A-3-106;

341 (ii) Section 63A-3-107; and

342 (iii) rules adopted by the Division of Finance according to Sections 63A-3-106 and
343 63A-3-107.

344 (b) Compensation and expenses of a member who is a legislator are governed by
345 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

346 (6) The advisory committee shall:

347 (a) adopt rules and procedures in accordance with Title 63G, Chapter 3, Utah
348 Administrative Rulemaking Act, that establish priorities and criteria for the advisory committee
349 to follow in recommending distribution of money from the fund to assist qualified IRC
350 501(c)(3) charitable clinics, as defined in Sections 26-54-102 and 26-54-102.5;

351 (b) identify, evaluate, and review the quality of care available to:

352 (i) individuals with spinal cord and brain injuries through qualified IRC 501(c)(3)
353 charitable clinics, as defined in Section 26-54-102; or

354 (ii) children with nonprogressive neurological conditions through qualified IRC
355 501(c)(3) charitable clinics, as defined in Section 26-54-102.5; and

356 (c) explore, evaluate, and review other possible funding sources and make a
357 recommendation to the Legislature regarding sources that would provide adequate funding for
358 the advisory committee to accomplish its responsibilities under this section[; ~~and~~].

359 [~~(d) submit an annual report, not later than November 30 of each year, summarizing the
360 activities of the advisory committee and making recommendations regarding the ongoing needs
361 of individuals with spinal cord or brain injuries and children with nonprogressive neurological
362 conditions to:~~

363 [~~(i) the governor;~~

364 [~~(ii) the Health and Human Services Interim Committee; and~~

365 [~~(iii) the Social Services Appropriations Subcommittee.]~~

366 (7) Operating expenses for the advisory committee, including the committee's staff,

367 shall be paid for only with money from:

- 368 (a) the Spinal Cord and Brain Injury Rehabilitation Fund;
- 369 (b) the Pediatric Neuro-Rehabilitation Fund; or
- 370 (c) both funds.

371 Section 5. Section 26B-1-102 is amended to read:

372 **TITLE 26B. UTAH HEALTH AND HUMAN SERVICES CODE**

373 **CHAPTER 1. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

374 **Part 1. General Provisions**

375 **26B-1-102. Definitions.**

376 As used in this title:

377 (1) "Department" means the Department of Health and Human Services created in
378 Section 26B-1-201.

379 (2) "Department of Health" means the Department of Health created in Section 26-1-4.

380 (3) "Department of Human Services" means the Department of Human Services
381 created in Section 62A-1-102.

382 (4) "Stabilization services" means in-home services provided to a child with, or who is
383 at risk for, complex emotional and behavioral needs, including teaching the child's parent or
384 guardian skills to improve family functioning.

385 (5) "Public health authority" means an agency or authority of the United States, a state,
386 a territory, a political subdivision of a state or territory, an Indian tribe, or a person acting under
387 a grant of authority from or a contract with such an agency, that is responsible for public health
388 matters as part of the agency or authority's official mandate.

389 (6) "System of care" means a broad, flexible array of services and supports that:

390 (a) serve a child with or who is at risk for complex emotional and behavioral needs;

391 (b) are community based;

392 (c) are informed about trauma;

393 (d) build meaningful partnerships with families and children;

394 (e) integrate service planning, service coordination, and management across state and
395 local entities;

396 (f) include individualized case planning;

397 (g) provide management and policy infrastructure that supports a coordinated network

398 of interdepartmental service providers, contractors, and service providers who are outside of
 399 the department; and

400 (h) are guided by the type and variety of services needed by a child with or who is at
 401 risk for complex emotional and behavioral needs and by the child's family.

402 Section 6. Section **26B-1-103** is amended to read:

403 **26B-1-103. Purpose of title -- Consolidation of functions into single state agency.**

404 The purpose of this title is to consolidate into a single agency of state government all of
 405 the functions previously exercised by[:] the Department of Health and the Department of
 406 Human Services to more efficiently and effectively carry out the responsibilities delegated to
 407 the department by state law.

408 [~~(1) the Department of Health, including all of the powers and duties described in Title~~
 409 ~~26, Utah Health Code; and]~~

410 [~~(2) the Department of Human Services, including all of the powers and duties~~
 411 ~~described in Title 62A, Utah Human Services Code.]~~

412 Section 7. Section **26B-1-104**, which is renumbered from Section 26-1-32 is
 413 renumbered and amended to read:

414 [~~26-1-32~~]. **26B-1-104. Severability of code provisions.**

415 If [~~any~~] a provision of this [~~code~~] title or Title 26, Utah Health Code, or the application
 416 of any such provision to any person or circumstance is held invalid, the invalidity does not
 417 affect other provisions or applications of this [~~code~~] title or Title 26, Utah Health Code, which
 418 can be given effect without the invalid provision or application, and to this end the provisions
 419 of this [~~code~~] title or Title 26, Utah Health Code, are declared to be severable.

420 Section 8. Section **26B-1-105**, which is renumbered from Section 26-1-33 is
 421 renumbered and amended to read:

422 [~~26-1-33~~]. **26B-1-105. Individual rights protected.**

423 Nothing in this title [~~shall prohibit~~] prohibits an individual from choosing the diet,
 424 therapy, or mode of treatment to be administered to an individual or an individual's family.

425 Section 9. Section **26B-1-201** is amended to read:

426 **Part 2. General Organization and Duties**

427 **26B-1-201. Department of Health and Human Services -- Creation -- Duties.**

428 (1) There is created within state government the Department of Health and Human

429 Services, which has all of the policymaking functions, regulatory and enforcement powers,
 430 rights, duties, and responsibilities outlined in this title and previously vested in the Department
 431 of Health and the Department of Human Services.

432 (2) The department is the health, health planning, medical assistance, and social
 433 services authority of the state and is the sole state agency for administration of federally
 434 assisted state programs or plans for:

435 (a) social service block grants;

436 (b) alcohol, drug, and mental health programs, including block grants;

437 (c) child welfare;

438 (d) state programs supported under the Older Americans Act, 42 U.S.C. Sec. 3001, et

439 seq.;

440 (e) public health;

441 (f) health planning;

442 (g) maternal and child health;

443 (h) services for individuals with a disability; and

444 (i) medical assistance.

445 (3) A state plan or program administered by the department:

446 (a) shall be developed in the appropriate divisions or offices of the department in
 447 accordance with applicable requirements of state and federal law; and

448 (b) may be amended by the executive director to achieve coordination, efficiency, or
 449 economy.

450 ~~[(2)]~~ (4) In addition to Subsection (1), ~~[during the transition period described in~~
 451 ~~Section 26B-1-201.1,]~~ from July 1, 2022, through June 30, 2023, the Department of Health and
 452 Human Services ~~[may exercise any of]~~ shall exercise the policymaking functions, regulatory
 453 and enforcement powers, rights, duties, and responsibilities of the Department of Health and
 454 the Department of Human Services under ~~[the joint direction of]:~~

455 ~~[(a) the executive director of the Department of Health; and]~~

456 ~~[(b) the executive director of the Department of Human Services.]~~

457 (a) Title 26, Utah Health Code; and

458 (b) Title 62A, Utah Human Services Code.

459 Section 10. Section **26B-1-201.1** is amended to read:

460 **26B-1-201.1. Transition to single state agency -- Transition plan.**

461 (1) As used in this section:

462 (a) "Transition agencies" means the:

463 (i) Department of Health; and

464 (ii) Department of Human Services.

465 (b) "Transition period" means the period of time:

466 (i) during which the transition of the department to the Department of Health and
467 Human Services takes place; and

468 (ii) beginning on [~~the effective date of the bill,~~] March 23, 2021, and ending on July 1,
469 2022.

470 [~~On or before December 1, 2021, the transition agencies shall develop a written~~
471 ~~transition plan for merging the functions of the transition agencies into the Department of~~
472 ~~Health and Human Services on July 1, 2022, in order to:]~~

473 [~~(a) more efficiently and effectively manage health and human services programs that~~
474 ~~are the responsibility of the state;]~~

475 [~~(b) establish a health and human services policy for the state; and]~~

476 [~~(c) promote health and the quality of life in the health and human services field.]~~

477 [~~(3) The written transition plan described in Subsection (2) shall describe:]~~

478 [~~(a) the tasks that need to be completed before the move on July 1, 2022, including a~~
479 ~~description of:]~~

480 [~~(i) how the transition agencies solicited comment from stakeholders, including:]~~

481 [~~(A) employees of the transition agencies;]~~

482 [~~(B) clients and partners of the transition agencies;]~~

483 [~~(C) members of the public;]~~

484 [~~(D) the Legislature; and]~~

485 [~~(E) the executive office of the governor;]~~

486 [~~(ii) the proposed organizational structure of the department, including the transition of~~
487 ~~responsibilities of employees, by job title and classification, under the newly proposed~~
488 ~~organizational structure and a plan for these transitions;]~~

489 [~~(iii) office space and infrastructure requirements related to the transition;]~~

490 [~~(iv) any work site location changes for transitioning employees;]~~

491 ~~[(v) the transition of service delivery sites;]~~
492 ~~[(vi) amendments needed to existing contracts, including grants;]~~
493 ~~[(vii) legislative changes needed to implement the transition described in this section;]~~
494 ~~[(viii) how the transition agencies will coordinate agency rules;]~~
495 ~~[(ix) procedures for the transfer and reconciliation of budgeting and funding of the~~
496 ~~department as the transition agencies transition into the department; and]~~
497 ~~[(x) the transition of technology services to the department;]~~
498 ~~[(b) the tasks that may need to be completed after the transition on July 1, 2022; and]~~
499 ~~[(c) how the transition to the department will be funded, including details of:]~~
500 ~~[(i) how expenses associated with the transition will be managed;]~~
501 ~~[(ii) how funding for services provided by the transition agencies will be managed to~~
502 ~~ensure services will be provided by the transition agencies and the department without~~
503 ~~interruption; and]~~
504 ~~[(iii) how federal funds will be used by or transferred between the transition agencies~~
505 ~~and the department to ensure services will be provided by the transition agencies and the~~
506 ~~department without interruption.]~~
507 ~~[(4) The written transition plan described in Subsection (2) shall:]~~
508 ~~[(a) include a detailed timeline for the completion of the tasks described in Subsection~~
509 ~~(3)(a);]~~
510 ~~[(b) be updated at least one time in every two week period until the transition is~~
511 ~~complete;]~~
512 ~~[(c) describe how information will be provided to clients of the transition agencies and~~
513 ~~the department regarding any changes to where services will be provided and the hours services~~
514 ~~will be provided;]~~
515 ~~[(d) be provided to the:]~~
516 ~~[(i) Health and Human Services Interim Committee;]~~
517 ~~[(ii) Social Services Appropriations Subcommittee;]~~
518 ~~[(iii) the executive office of the governor;]~~
519 ~~[(iv) Division of Finance; and]~~
520 ~~[(v) Division of Technology Services; and]~~
521 ~~[(e) be made available to employees that are transitioning or may potentially be~~

522 transitioned.]

523 ~~[(5)]~~ (2) The transition agencies shall publish information that provides a full overview
524 of ~~[the written transition plan and]~~ how the move may affect client services offered by the
525 transition agencies on the transition agencies' respective websites, including regular updates
526 regarding:

527 (a) how the move may affect client services offered by the transition agencies;

528 (b) information regarding the location where services are provided and the hours
529 services are provided; and

530 (c) contact information so that clients of the transition agencies can contact
531 transitioning employees and obtain information regarding client services.

532 ~~[(6)]~~ (3) The transition agencies may, separately or collectively, enter into a
533 memorandum of understanding regarding how costs and responsibilities will be shared to:

534 (a) ensure that services provided under agreements with the federal government,
535 including new and ongoing grant programs, are fulfilled;

536 (b) ensure that commitments made by the transition agencies are met;

537 (c) provide ongoing or shared services as needed, including the provision of payments
538 to the department from the transition agencies; and

539 (d) ensure that money from the Department of Health and Human Services Transition
540 Restricted Account created in ~~[-Subsection (8)]~~ Section 26B-1-305 is used appropriately by the
541 transition agencies and the department.

542 ~~[(7)]~~ (4) In implementing the written transition plan described in this section, the
543 transition agencies and the department shall protect existing services, programs, and access to
544 services provided by the transition agencies.

545 (5) (a) The department shall provide a written update to the entities described in
546 Subsection (5)(b):

547 (i) at least one time after September 1, 2022, but before November 1, 2022;

548 (ii) if the executive director adjusts the organizational structure of the department
549 under Subsection 26B-1-204(5) in a manner that conflicts with the organizational structure
550 described in statute; or

551 (iii) at the request of one or more of the entities described in Subsection (5)(b).

552 (b) The update described in Subsection (5)(a) shall be provided to:

- 553 (i) the Health and Human Services Interim Committee;
- 554 (ii) the Social Services Appropriations Subcommittee; and
- 555 (iii) the executive office of the governor.

556 ~~[(8) (a) There is created a restricted account within the General Fund known as the~~
 557 ~~"Department of Health and Human Services Transition Restricted Account."]~~

558 ~~[(b) The restricted account shall consist of appropriations made by the Legislature.]~~

559 ~~[(c) Subject to appropriation, the transition agencies and the department may spend~~
 560 ~~money from the restricted account to pay for expenses related to moving the transition agencies~~
 561 ~~into the department, including staff and legal services.]~~

562 Section 11. Section **26B-1-202**, which is renumbered from Section 62A-1-111 is
 563 renumbered and amended to read:

564 ~~[62A-1-111].~~ **26B-1-202. Department authority and duties.**

565 The department may, subject to applicable restrictions in state law and in addition to all
 566 other authority and responsibility granted to the department by law:

- 567 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
 568 Rulemaking Act, and not inconsistent with law, as the department may consider necessary or
 569 desirable for providing health and social services to the people of this state;
- 570 (2) establish and manage client trust accounts in the department's institutions and
 571 community programs, at the request of the client or the client's legal guardian or representative,
 572 or in accordance with federal law;
- 573 (3) purchase, as authorized or required by law, services that the department is
 574 responsible to provide for legally eligible persons;
- 575 (4) conduct adjudicative proceedings for clients and providers in accordance with the
 576 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 577 (5) establish eligibility standards for ~~[its]~~ the department's programs, not inconsistent
 578 with state or federal law or regulations;
- 579 (6) take necessary steps, including legal action, to recover money or the monetary value
 580 of services provided to a recipient who was not eligible;
- 581 (7) set and collect fees for the department's services;
- 582 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
 583 or limited by law;

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

586 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
587 the proceeds thereof, may be credited to the program designated by the donor, and may be used
588 for the purposes requested by the donor, as long as the request conforms to state and federal
589 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
590 under guidelines established by the state treasurer;

591 (11) accept and employ volunteer labor or services; the department is authorized to
592 reimburse volunteers for necessary expenses, when the department considers that
593 reimbursement to be appropriate;

594 (12) carry out the responsibility assigned in the workforce services plan by the State
595 Workforce Development Board;

596 (13) carry out the responsibility assigned by Section 35A-8-602 with respect to
597 coordination of services for the homeless;

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

600 (15) provide training and educational opportunities for the department's staff;

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

602 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
603 whose child lives out of the home in a department licensed or certified setting;

604 (18) establish policy and procedures, within appropriations authorized by the
605 Legislature, in cases where the Division of Child and Family Services or the Division of
606 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah
607 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not
608 competent to proceed under Section 80-6-403 [~~any policy and procedures shall include~~],
609 including:

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

611 (b) delineation of assessment criteria and procedures;

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

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

615 (19) carry out the responsibilities assigned to the department by statute;

616 (20) examine and audit the expenditures of any public funds provided to a local
617 substance abuse [~~authorities,~~] authority, a local mental health [~~authorities,~~] authority, a local
618 area [~~agencies~~] agency on aging, and any person, agency, or organization that contracts with or
619 receives funds from those authorities or agencies. Those local authorities, area agencies, and
620 any person or entity that contracts with or receives funds from those authorities or area
621 agencies, shall provide the department with any information the department considers
622 necessary. The department is further authorized to issue directives resulting from any
623 examination or audit to a local [~~authorities, area agencies~~] authority, an area agency, and
624 persons or entities that contract with or receive funds from those authorities with regard to any
625 public funds. If the department determines that it is necessary to withhold funds from a local
626 mental health authority or local substance abuse authority based on failure to comply with state
627 or federal law, policy, or contract provisions, [~~it~~] the department may take steps necessary to
628 ensure continuity of services. For purposes of this Subsection (20) "public funds" means the
629 same as that term is defined in Section [62A-15-102](#);

630 (21) [~~pursuant to~~] in accordance with Subsection [62A-2-106](#)(1)(d), accredit one or
631 more agencies and persons to provide intercountry adoption services;

632 (22) within legislative appropriations [~~authorized by the Legislature~~], promote and
633 develop a system of care and stabilization services:

634 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

635 (b) that encompasses the department, department contractors, and the divisions,
636 offices, or institutions within the department, to:

637 (i) navigate services, funding resources, and relationships to the benefit of the children
638 and families whom the department serves;

639 (ii) centralize department operations, including procurement and contracting;

640 (iii) develop policies that govern business operations and that facilitate a system of care
641 approach to service delivery;

642 (iv) allocate resources that may be used for the children and families served by the
643 department or the divisions, offices, or institutions within the department, subject to the
644 restrictions in Section [63J-1-206](#);

645 (v) create performance-based measures for the provision of services; and

646 (vi) centralize other business operations, including data matching and sharing among
647 the department's divisions, offices, and institutions;

648 (23) ensure that any training or certification required of a public official or public
649 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
650 22, State Training and Certification Requirements, if the training or certification is required:

651 (a) under this title;

652 (b) by the department; or

653 (c) by an agency or division within the department; [~~and~~]

654 (24) reallocate unexpended funds as provided in Section 62A-1-111.6[?];

655 (25) enter into cooperative agreements with the Department of Environmental Quality
656 to delineate specific responsibilities to assure that assessment and management of risk to
657 human health from the environment are properly administered;

658 (26) consult with the Department of Environmental Quality and enter into cooperative
659 agreements, as needed, to ensure efficient use of resources and effective response to potential
660 health and safety threats from the environment, and to prevent gaps in protection from potential
661 risks from the environment to specific individuals or population groups;

662 (27) promote and protect the health and wellness of the people within the state;

663 (28) establish, maintain, and enforce rules necessary or desirable to carry out the
664 provisions and purposes of this title to promote and protect the public health or to prevent
665 disease and illness;

666 (29) investigate and control the causes of epidemic, infectious, communicable, and
667 other diseases affecting the public health;

668 (30) provide for the detection, reporting, prevention, and control of communicable,
669 infectious, acute, chronic, or any other disease or health hazard which the department considers
670 to be dangerous, important, or likely to affect the public health;

671 (31) collect and report information on causes of injury, sickness, death, and disability
672 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
673 the state;

674 (32) collect, prepare, publish, and disseminate information to inform the public
675 concerning the health and wellness of the population, specific hazards, and risks that may affect
676 the health and wellness of the population and specific activities which may promote and protect

677 the health and wellness of the population;

678 (33) establish and operate programs necessary or desirable for the promotion or
679 protection of the public health and the control of disease or which may be necessary to
680 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the
681 programs may not be established if adequate programs exist in the private sector;

682 (34) establish, maintain, and enforce isolation and quarantine, and for this purpose
683 only, exercise physical control over property and individuals as the department finds necessary
684 for the protection of the public health;

685 (35) close theaters, schools, and other public places and forbid gatherings of people
686 when necessary to protect the public health;

687 (36) abate nuisances when necessary to eliminate sources of filth and infectious and
688 communicable diseases affecting the public health;

689 (37) make necessary sanitary and health investigations and inspections in cooperation
690 with local health departments as to any matters affecting the public health;

691 (38) establish laboratory services necessary to support public health programs and
692 medical services in the state;

693 (39) establish and enforce standards for laboratory services which are provided by any
694 laboratory in the state when the purpose of the services is to protect the public health;

695 (40) cooperate with the Labor Commission to conduct studies of occupational health
696 hazards and occupational diseases arising in and out of employment in industry, and make
697 recommendations for elimination or reduction of the hazards;

698 (41) cooperate with the local health departments, the Department of Corrections, the
699 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
700 Victim Reparations and Assistance Board to conduct testing for HIV infection of alleged
701 sexual offenders, convicted sexual offenders, and any victims of a sexual offense;

702 (42) investigate the causes of maternal and infant mortality;

703 (43) establish, maintain, and enforce a procedure requiring the blood of adult
704 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
705 presence and concentration of alcohol, and provide the Commissioner of Public Safety with
706 monthly statistics reflecting the results of these examinations, with necessary safeguards so that
707 information derived from the examinations is not used for a purpose other than the compilation

708 of these statistics;

709 (44) establish qualifications for individuals permitted to draw blood under Subsection
710 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi), and to
711 issue permits to individuals the department finds qualified, which permits may be terminated or
712 revoked by the department;

713 (45) establish a uniform public health program throughout the state which includes
714 continuous service, employment of qualified employees, and a basic program of disease
715 control, vital and health statistics, sanitation, public health nursing, and other preventive health
716 programs necessary or desirable for the protection of public health;

717 (46) adopt rules and enforce minimum sanitary standards as provided in Title 26,
718 Chapter 15, General Sanitation;

719 (47) conduct health planning for the state;

720 (48) monitor the costs of health care in the state and foster price competition in the
721 health care delivery system;

722 (49) adopt rules for the licensure of health facilities within the state in accordance with
723 Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act;

724 (50) license the provision of child care;

725 (51) accept contributions to and administer the funds contained in the Allyson Gamble
726 Organ Donation Contribution Fund created in Section 26-18b-101;

727 (52) serve as the collecting agent, on behalf of the state, for the nursing care facility
728 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,
729 and adopt rules for the enforcement and administration of the nursing facility assessment
730 consistent with the provisions of Title 26, Chapter 35a, Nursing Care Facility Assessment Act;

731 (53) establish methods or measures for health care providers, public health entities, and
732 health care insurers to coordinate among themselves to verify the identity of the individuals the
733 providers serve;

734 (54) designate Alzheimer's disease and related dementia as a public health issue and,
735 within budgetary limitations, implement a state plan for Alzheimer's disease and related
736 dementia by incorporating the plan into the department's strategic planning and budgetary
737 process; and

738 (55) coordinate with other state agencies and other organizations to implement the state

739 plan for Alzheimer's disease and related dementia;

740 (56) ensure that any training or certification required of a public official or public
 741 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
 742 22, State Training and Certification Requirements, if the training or certification is required by
 743 the agency or under this title, Title 26, Utah Health Code or Title 62A, Utah Human Services
 744 Code; and

745 (57) oversee public education vision screening as described in Section 53G-9-404.
 746 Section 12. Section **26B-1-203**, which is renumbered from Section 62A-1-108 is
 747 renumbered and amended to read:

748 **[62A-1-108]. 26B-1-203. Executive director -- Appointment --**
 749 **Compensation -- Qualifications -- Responsibilities.**

750 (1) (a) The chief administrative officer of the department is the executive director, who
 751 shall be appointed by the governor with the advice and consent of the Senate.

752 (b) The executive director may be removed at the will of the governor.

753 (c) The executive director shall receive a salary established by the governor within the
 754 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

755 (2) (a) The executive director shall be:

756 (i) experienced in administration, management, and coordination of complex
 757 organizations[-]; and

758 (ii) thoroughly informed and experienced in all aspects of public health work.

759 (b) If the executive director is not a physician, the executive director shall:

760 (i) have successfully completed at least a master's degree of public health or public
 761 administration from an accredited school of public health or from an accredited program of
 762 public health or public administration;

763 (ii) (A) have at least five years of professional full-time experience, of which at least
 764 two years have been in public health in a senior level administrative capacity; or

765 (B) have at least five years of professional full-time experience in public health
 766 programs, of which at least three years have been in a senior level administrative capacity;

767 (iii) appoint a deputy director of the department who shall have:

768 (A) successfully completed at least one year's graduate work in an accredited school of
 769 public health or an accredited program of public health; and

770 (B) at least five years of professional full-time experience in public health programs;
 771 and

772 (iv) if the individual described in Subsection (2)(b)(iii) is not a physician licensed to
 773 practice medicine in the state, appoint a deputy director of the department who is a physician
 774 licensed to practice medicine in the state with experience in public health.

775 [~~2~~] (3) The executive director is responsible for:

776 (a) administration and supervision of the department;

777 (b) coordination of policies and program activities conducted through the boards,
 778 divisions, and offices of the department;

779 (c) approval of the proposed budget of each board, division, and office within the
 780 department; and

781 (d) [~~such~~] other duties as the Legislature or governor shall assign to [~~him~~] the
 782 executive director.

783 [~~3~~] (4) The executive director may appoint deputy or assistant directors to assist
 784 [~~him~~] the executive director in carrying out the department's responsibilities.

785 Section 13. Section **26B-1-204**, which is renumbered from Section 62A-1-105 is
 786 renumbered and amended to read:

787 **[62A-1-105]. 26B-1-204. Creation of boards, divisions, and offices.**

788 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3,
 789 Utah Administrative Rulemaking Act, and not inconsistent with law for:

790 (a) the administration and government of the department;

791 (b) the conduct of the department's employees; and

792 (c) the custody use and preservation of the records, papers, books, documents, and
 793 property of the department.

794 [~~4~~] (2) The following policymaking boards, councils, and committees are created
 795 within the Department of Health and Human Services:

796 (a) [~~the~~] Board of Aging and Adult Services; [~~and~~]

797 (b) [~~the~~] Utah State Developmental Center Board[-];

798 (c) Health Advisory Council;

799 (d) Health Facility Committee;

800 (e) State Emergency Medical Services Committee;

- 801 (f) Air Ambulance Committee;
- 802 (g) Health Data Committee;
- 803 (h) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
- 804 (i) Residential Child Care Licensing Advisory Committee;
- 805 (j) Child Care Center Licensing Committee;
- 806 (k) Primary Care Grant Committee;
- 807 (l) Adult Autism Treatment Program Advisory Committee;
- 808 (m) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee;
- 809 and
- 810 (n) any boards, councils, or committees that are created by statute in:
- 811 (i) this title;
- 812 (ii) Title 26, Utah Health Code; or
- 813 (iii) Title 62A, Utah Human Services Code.
- 814 ~~[(2)]~~ (3) The following divisions are created within the Department of Health and
- 815 Human Services:
- 816 (a) relating to operations:
- 817 (i) the Division of Finance and Administration;
- 818 (ii) the Division of Licensing and Background Checks;
- 819 (iii) the Division of Customer Experience;
- 820 (iv) the Division of Data, Systems, and Evaluation; and
- 821 (v) the Division of Continuous Quality Improvement;
- 822 (b) relating to healthcare administration:
- 823 (i) the Division of Integrated Healthcare, which shall include responsibility for the
- 824 state's medical assistance programs;
- 825 (ii) the Division of Aging and Adult Services; and
- 826 (iii) the Division for Services for People with Disabilities; and
- 827 (c) relating to community health and well-being:
- 828 (i) the Division of Child and Family Services;
- 829 (ii) the Division of Family Health;
- 830 (iii) the Division of Population Health; and
- 831 (iv) the Division of Juvenile Justice and Youth Services.

832 (4) The executive director may establish offices and bureaus to facilitate management
833 of the department as required by, and in accordance, with:

- 834 (a) this title;
- 835 (b) Title 26, Utah Health Code; and
- 836 (c) Title 62A, Utah Human Services Code.

837 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
838 organizational structure relating to the department, including the organization of the
839 department's divisions and offices, notwithstanding the organizational structure described in:

- 840 (a) this title;
- 841 (b) Title 26, Utah Health Code; or
- 842 (c) Title 62A, Utah Human Services Code.
- 843 ~~[(a) the Division of Aging and Adult Services;]~~
- 844 ~~[(b) the Division of Child and Family Services;]~~
- 845 ~~[(c) the Division of Services for People with Disabilities;]~~
- 846 ~~[(d) the Division of Substance Abuse and Mental Health; and]~~
- 847 ~~[(e) the Division of Juvenile Justice Services.]~~

848 ~~[(3) The following offices are created within the Department of Human Services:]~~

- 849 ~~[(a) the Office of Licensing;]~~
- 850 ~~[(b) the Office of Public Guardian;]~~
- 851 ~~[(c) the Office of Recovery Services; and]~~
- 852 ~~[(d) the Office of Quality and Design.]~~

853 Section 14. Section **26B-1-205**, which is renumbered from Section 62A-1-109 is
854 renumbered and amended to read:

855 ~~[62A-1-109].~~ **26B-1-205. Division directors -- Appointment --**

856 **Compensation -- Qualifications.**

857 (1) (a) The executive director of the department has administrative jurisdiction over
858 each division and office director.

859 (b) The executive director may make changes in personnel and service functions in the
860 divisions and offices under the executive director's administrative jurisdiction, and authorize
861 designees to perform appropriate responsibilities, to effectuate greater efficiency and economy
862 in the operations of the department.

863 (c) The executive director may establish offices and bureaus to perform functions such
 864 as budgeting, planning, data processing, and personnel administration, to facilitate management
 865 of the department.

866 ~~[(1)]~~ (2) The chief officer of each division and office enumerated in Section
 867 ~~[62A-1-105]~~ 26-1-204 shall be a director who shall serve as the executive and administrative
 868 head of the division or office.

869 ~~[(2)]~~ (3) ~~[Each division director shall be appointed by the]~~ The executive director shall
 870 appoint each division director with the concurrence of the division's board, if the division has a
 871 board.

872 ~~[(3)]~~ (4) The director of any division may be removed from that position at the will of
 873 the executive director after consultation with that division's board, if the division has a board.

874 ~~[(4) Each office director shall be appointed by the executive director.]~~

875 ~~[(5)]~~ (5) Directors of divisions and offices shall receive compensation as provided by
 876 Title 63A, Chapter 17, Utah State Personnel Management Act.

877 ~~[(6)]~~ (6) The director of each division and office shall be experienced in administration
 878 and possess such additional qualifications as determined by the executive director, and as
 879 provided by law.

880 Section 15. Section **26B-1-206**, which is renumbered from Section 62A-1-107.5 is
 881 renumbered and amended to read:

882 ~~[62A-1-107.5].~~ **26B-1-206. Limitation on establishment of advisory bodies.**

883 ~~[(1) Department divisions and boards:]~~

884 (1) A department division or board:

885 (a) may not establish permanent, ongoing advisory groups unless otherwise specifically
 886 created in federal or state statute; and

887 (b) shall comply with the provisions of this section ~~[with regard to any advisory groups~~
 888 ~~created prior to or after July 1, 2003].~~

889 (2) (a) ~~[Divisions and boards]~~ A division or board may establish subject-limited and
 890 time-limited ad hoc advisory groups to provide input necessary to carry out ~~[their]~~ the
 891 division's or board's assigned responsibilities.

892 (b) When establishing such an advisory group, the board ~~[must]~~ shall establish in
 893 writing a specific charge and time limit.

894 (3) The department shall consolidate an advisory group or committee with another
895 committee or advisory group as appropriate to create greater efficiencies and budgetary savings
896 for the department.

897 ~~[(3)]~~ (4) ~~[Members]~~ A member of any ad hoc advisory group shall receive no
898 compensation or benefits for their service.

899 ~~[(4)]~~ (5) The provision of staffing and support to any ad hoc advisory group ~~[will be]~~ is
900 contingent on availability of human and financial resources.

901 Section 16. Section **26B-1-207**, which is renumbered from Section 26-1-4 is
902 renumbered and amended to read:

903 ~~[26-1-4].~~ **26B-1-207. Policymaking responsibilities -- Regulations for local**
904 **health departments prescribed by department -- Local standards not more stringent than**
905 **federal or state standards -- Consultation with local health departments -- Committee to**
906 **evaluate health policies and to review federal grants -- Committee responsibilities.**

907 ~~[(1) There is created the Department of Health, which has all of the policymaking~~
908 ~~functions, regulatory and enforcement powers, rights, duties, and responsibilities of the~~
909 ~~Division of Health, the Board of Health, the State Health Planning Development Agency, and~~
910 ~~the Office of Health Care Financing. Unless otherwise specifically provided, when reference is~~
911 ~~made in any statute of this state to the Board of Health, the Division of Health, the State Health~~
912 ~~Planning Development Agency, or the Office of Health Care Financing, it refers to the~~
913 ~~department. The department shall assume all of the policymaking functions, powers, rights,~~
914 ~~duties, and responsibilities over the division, agency, and office previously vested in the~~
915 ~~Department of Human Services and its executive director.]~~

916 ~~[(2)]~~ (1) In establishing public health policy, the department shall consult with the local
917 health departments established under Title 26A, Chapter 1, Local Health Departments.

918 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
919 the department may prescribe by administrative rule made in accordance with Title 63G,
920 Chapter 3, Utah Administrative Rulemaking Act, reasonable requirements not inconsistent
921 with law for a local health department as defined in Section [26A-1-102](#).

922 (b) Except as provided in Subsection (2)(d), or where specifically allowed by federal
923 law or state statute, a local health department, as defined in Section [26A-1-102](#), may not
924 establish standards or regulations that are more stringent than those established by federal law,

925 state statute, or administrative rule adopted in accordance with Title 63G, Chapter 3, Utah
926 Administrative Rulemaking Act.

927 (c) The local health department may make standards and regulations more stringent
928 than corresponding federal law, state statute, or state administrative rules, only if the local
929 health department makes a written finding after public comment and hearing and based on
930 evidence in the record, that corresponding federal laws, state statutes, or state administrative
931 rules are not adequate to protect public health of the state.

932 (d) The findings described in Subsection (2)(c) shall address the public health
933 information and studies contained in the record, which form the basis for the local health
934 department's conclusion.

935 (e) Nothing in this Subsection (2), limits the ability of a local health department to
936 make standards and regulations in accordance with Subsection [26A-1-121\(1\)\(a\)](#) for:

937 (i) emergency rules made in accordance with Section [63G-3-304](#); or

938 (ii) items not regulated under federal law, state statute, or state administrative rule.

939 (3) (a) As used in this Subsection (3):

940 (i) "Committee" means the committee established under Subsection (3)(b).

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

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

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

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

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

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

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

952 (iii) three representatives of local health departments, appointed by all local health
953 departments.

954 (c) The committee shall:

955 (i) evaluate:

956 (A) the allocation of public health resources between the department and local health
957 departments; and

958 (B) policies that affect local health departments;

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

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

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

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

969 (A) before the application is submitted, except for an expedited application; and

970 (B) for an expedited application, after the application is submitted but before funds
971 from the federal grant for which the application was submitted are disbursed or encumbered.

972 (ii) Funds from a federal grant [~~pursuant to~~] under a reviewable application may not be
973 disbursed or encumbered before the goals and budget for the federal grant are established by:

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

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

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

980 (f) The department may use money from a federal grant to pay administrative costs
981 incurred in implementing this Subsection (3).

982 Section 17. Section **26B-1-208**, which is renumbered from Section 62A-1-112 is
983 renumbered and amended to read:

984 [~~62A-1-112~~]. **26B-1-208. Participation in federal programs -- Federal**
985 **grants -- Authority of executive director.**

986 (1) The executive director may, by following the procedures and requirements of Title

987 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in
988 federal programs.

989 (2) Wherever state law authorizes a board, director, division, or office of the
990 department to accept any grant, fund, or service which is to be advanced or contributed in
991 whole or in part by the federal government, that acceptance shall be subject to the approval or
992 disapproval of the executive director.

993 (3) All applications for federal grants or other federal financial assistance for the
994 support of any department program is subject to the approval of the executive director.

995 [(3)] (4) If any executive or legislative provision of the federal government so requires,
996 as a condition to participation by this state in any fund, property, or service, the executive
997 director, with the governor's approval, shall expend whatever funds are necessary out of the
998 money provided by the Legislature for use and disbursement by that department.

999 Section 18. Section **26B-1-209**, which is renumbered from Section 26-1-6 is
1000 renumbered and amended to read:

1001 ~~[26-1-6]~~. **26B-1-209**. **Fee schedule adopted by department.**

1002 (1) The department may adopt a schedule of fees that may be assessed for services
1003 rendered by the department, provided that the fees are:

1004 (a) reasonable and fair; and

1005 (b) submitted to the Legislature as part of the department's annual appropriations
1006 request.

1007 (2) When the department submits a fee schedule to the Legislature, the Legislature, in
1008 accordance with Section **63J-1-504**, may:

1009 (a) approve the fee;

1010 (b) increase or decrease and approve the fee; or

1011 (c) reject any fee submitted to it.

1012 (3) Fees approved by the Legislature [~~pursuant to~~] under this section shall be paid into
1013 the state treasury.

1014 Section 19. Section **26B-1-210**, which is renumbered from Section 62A-1-113 is
1015 renumbered and amended to read:

1016 ~~[62A-1-113]~~. **26B-1-210**. **Department budget -- Reports from divisions.**

1017 (1) The department shall prepare and submit to the governor, for inclusion in [~~his~~] the

1018 governor's budget to be submitted to the Legislature, a budget of the department's financial
1019 requirements needed to carry out [its] the department's responsibilities, as provided by law
1020 during the fiscal year following the Legislature's next Annual General Session.

1021 (2) The executive director shall require a report from each of the divisions and offices
1022 of the department, to aid in preparation of the departmental budget.

1023 Section 20. Section **26B-1-211**, which is renumbered from Section 26-1-17.1 is
1024 renumbered and amended to read:

1025 ~~[26-1-17.1]~~. **26B-1-211. Background checks for employees.**

1026 (1) As used in this section, "bureau" means the Bureau of Criminal Identification
1027 created in Section [53-10-201](#).

1028 (2) Beginning July 1, 2018, the department may require a fingerprint-based local,
1029 regional, and national criminal history background check and ongoing monitoring of:

1030 (a) all staff, contracted employees, and volunteers who:

1031 (i) have access to protected health information or personal identifying information;

1032 (ii) have direct contact with patients, children, or vulnerable adults as defined in
1033 Section [62A-2-120](#);

1034 (iii) work in areas of privacy and data security;

1035 (iv) handle financial information, including receipt of funds, reviewing invoices,
1036 making payments, and other types of financial information; and

1037 (v) perform audit functions, whether internal or external, on behalf of the department;
1038 and

1039 (b) job applicants who have been offered a position with the department and the job
1040 requirements include those described in Subsection (2)(a).

1041 (3) Beginning July 1, 2022, for the purposes described in Subsection (2), the
1042 department may also access:

1043 (a) the department's Management Information System created in Section [62A-4a-1003](#);

1044 (b) the department's Licensing Information System created in Section [62A-4a-1006](#);

1045 (c) the statewide database of the Division of Aging and Adult Services created by
1046 Section [62A-3-311.1](#); and

1047 (d) juvenile court records under Subsection [80-3-404\(6\)](#).

1048 [~~3~~] (4) Each individual in a position listed in Subsection (2) shall provide a

1049 completed fingerprint card to the department upon request.

1050 [(4)] (5) The department shall require that an individual required to submit to a
1051 background check under Subsection [(3)] (4) provide a signed waiver on a form provided by
1052 the department that meets the requirements of Subsection 53-10-108(4).

1053 [(5)] (6) For a noncriminal justice background search and registration in accordance
1054 with Subsection 53-10-108(13), the department shall submit to the bureau:

1055 (a) the applicant's personal identifying information and fingerprints for a criminal
1056 history search of applicable local, regional, and national databases; and

1057 (b) a request for all information received as a result of the local, regional, and
1058 nationwide background check.

1059 [(6)] (7) The department is responsible for the payment of all fees required by
1060 Subsection 53-10-108(15) and any fees required to be submitted to the Federal Bureau of
1061 Investigation by the bureau.

1062 [(7)] (8) The department may make rules in accordance with Title 63G, Chapter 3,
1063 Utah Administrative Rulemaking Act, that:

1064 (a) determine how the department will assess the employment status of an individual
1065 upon receipt of background information;

1066 (b) determine the type of crimes and the severity that would disqualify an individual
1067 from holding a position; and

1068 (c) identify the appropriate privacy risk mitigation strategy to be used in accordance
1069 with Subsection 53-10-108(13)(b).

1070 Section 21. Section **26B-1-212**, which is renumbered from Section 26-1-17.5 is
1071 renumbered and amended to read:

1072 ~~[26-1-17.5].~~ **26B-1-212. Confidential records.**

1073 (1) A record classified as confidential under this title shall remain confidential, and be
1074 released according to the provisions of this title, notwithstanding Section 63G-2-310.

1075 (2) In addition to ~~[those persons]~~ a person granted access to a private record described
1076 in Subsection 63G-2-302(1)(b), ~~[schools, school districts, and local and state health~~
1077 ~~departments and the state Department of Human Services]~~ a school, school district, local health
1078 department, and the department may share an immunization record as defined in Section
1079 53G-9-301 or any other record relating to a vaccination or immunization as necessary to ensure

1080 compliance with Title 53G, Chapter 8, Part 3, Physical Restraint of Students, and to prevent,
1081 investigate, and control the causes of epidemic, infectious, communicable, and other diseases
1082 affecting the public health.

1083 Section 22. Section **26B-1-301**, which is renumbered from Section 26-1-16 is
1084 renumbered and amended to read:

1085 **Part 3. Funds and Accounts**

1086 **~~[26-1-16]~~. 26B-1-301. Executive director -- Power to accept funds and gifts.**

1087 The executive director may accept and receive such other funds and gifts as may be
1088 made available from private and public groups for the purposes of promoting and protecting
1089 the public health or for the provision of health services to the people of the state and shall
1090 expend the same as appropriated by the ~~[legislature]~~ Legislature.

1091 Section 23. Section **26B-1-302**, which is renumbered from Section 62A-1-202 is
1092 renumbered and amended to read:

1093 **~~[62A-1-202]~~. 26B-1-302. National Professional Men's Basketball Team**
1094 **Support of Women and Children Issues Restricted Account.**

1095 (1) There is created in the General Fund a restricted account known as the "National
1096 Professional Men's Basketball Team Support of Women and Children Issues Restricted
1097 Account."

1098 (2) The account shall be funded by:

1099 (a) contributions deposited into the account in accordance with Section [41-1a-422](#);

1100 (b) private contributions; and

1101 (c) donations or grants from public or private entities.

1102 (3) Upon appropriation by the Legislature, the department shall distribute funds in the
1103 account to one or more charitable organizations that:

1104 (a) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

1105 (b) are selected by the owners that, either on an individual or joint basis, own a
1106 controlling interest in a legal entity that is a franchised member of the internationally
1107 recognized national governing body for professional men's basketball in the United States;

1108 (c) are headquartered within the state;

1109 (d) create or support programs that focus on issues affecting women and children
1110 within the state, with an emphasis on health and education; and

1111 (e) have a board of directors that disperses all funds of the organization.

1112 (4) (a) An organization described in Subsection (3) may apply to the department to
1113 receive a distribution in accordance with Subsection (3).

1114 (b) An organization that receives a distribution from the department in accordance with
1115 Subsection (3) shall expend the distribution only to:

1116 (i) create or support programs that focus on issues affecting women and children, with
1117 an emphasis on health and education;

1118 (ii) create or sponsor programs that will benefit residents within the state; and

1119 (iii) pay the costs of issuing or reordering National Professional Men's Basketball
1120 Team Support of Women and Children Issues support special group license plate decals.

1121 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1122 department may make rules providing procedures for an organization to apply to the
1123 department to receive a distribution under this Subsection (4).

1124 (5) In accordance with Section [63J-1-602.1](#), appropriations from the account are
1125 nonlapsing.

1126 Section 24. Section **26B-1-303**, which is renumbered from Section 62A-1-119 is
1127 renumbered and amended to read:

1128 ~~**[62A-1-119].**~~ **26B-1-303. Respite Care Assistance Fund -- Use of money --**
1129 **Restrictions.**

1130 (1) There is created an expendable special revenue fund known as the Respite Care
1131 Assistance Fund.

1132 (2) The fund shall consist of:

1133 (a) gifts, grants, devises, donations, and bequests of real property, personal property, or
1134 services, from any source, made to the fund; and

1135 (b) any additional amounts as appropriated by the Legislature.

1136 (3) The fund shall be administered by the director of the Utah Developmental
1137 Disabilities Council.

1138 (4) The fund money shall be used for the following activities:

1139 (a) to support a respite care information and referral system;

1140 (b) to educate and train caregivers and respite care providers; and

1141 (c) to provide grants to caregivers.

- 1142 (5) An individual who receives services paid for from the fund shall:
- 1143 (a) be a resident of Utah; and
- 1144 (b) be a primary care giver for:
- 1145 (i) an aging individual; or
- 1146 (ii) an individual with a cognitive, mental, or physical disability.
- 1147 (6) The fund money may not be used for:
- 1148 (a) administrative expenses that are normally provided for by legislative appropriation;
- 1149 or
- 1150 (b) direct services or support mechanisms that are available from or provided by
- 1151 another government or private agency.
- 1152 (7) All interest and other earnings derived from the fund money shall be deposited into
- 1153 the fund.
- 1154 (8) The state treasurer shall invest the money in the fund under Title 51, Chapter 7,
- 1155 State Money Management Act.
- 1156 Section 25. Section **26B-1-304**, which is renumbered from Section 26-1-34 is
- 1157 renumbered and amended to read:
- 1158 **[26-1-34]. 26B-1-304. Restricted account created to fund drug testing for law**
- 1159 **enforcement agencies.**
- 1160 (1) There is created within the General Fund a restricted account known as the State
- 1161 Laboratory Drug Testing Account.
- 1162 (2) The account consists of a specified portion of fees generated under Subsection
- 1163 **53-3-106(5)** from the reinstatement of certain licenses, which shall be deposited in this
- 1164 account.
- 1165 (3) The Department of Health shall use funds in this account solely for the costs of
- 1166 performing drug and alcohol analysis tests for state and local law enforcement agencies, and
- 1167 may not assess any charge or fee to the law enforcement agencies for whom the analysis tests
- 1168 are performed.
- 1169 Section 26. Section **26B-2-101** is enacted to read:
- 1170 **26B-2-101. Clinical services -- Reserved.**
- 1171 **Reserved**
- 1172 Section 27. Section **26B-3-101** is enacted to read:

1173 **26B-3-101. Licensing and oversight -- Reserved.**
1174 Reserved
1175 Section 28. Section **26B-4-101** is enacted to read:
1176 **26B-4-101. Health care administration -- Reserved.**
1177 Reserved
1178 Section 29. Section **26B-5-101** is enacted to read:
1179 **26B-5-101. Health care services -- Reserved.**
1180 Reserved
1181 Section 30. Section **26B-6-101** is enacted to read:
1182 **26B-6-101. Long-term services and supports -- Reserved.**
1183 Reserved
1184 Section 31. Section **26B-7-101** is enacted to read:
1185 **26B-7-101. Public health, prevention, and epidemiology -- Reserved.**
1186 Reserved
1187 Section 32. Section **26B-8-101** is enacted to read:
1188 **26B-8-101. Children, youth, and families -- Reserved.**
1189 Reserved
1190 Section 33. Section **26B-9-101** is enacted to read:
1191 **26B-9-101. Miscellaneous provisions -- Reserved.**
1192 Reserved
1193 Section 34. Section **35A-3-103 (Effective 07/01/22)** is amended to read:
1194 **35A-3-103 (Effective 07/01/22). Department responsibilities.**
1195 The department shall:
1196 (1) administer public assistance programs assigned by the Legislature and the
1197 governor;
1198 (2) determine eligibility for public assistance programs in accordance with the
1199 requirements of this chapter;
1200 (3) cooperate with the federal government in the administration of public assistance
1201 programs;
1202 (4) administer state employment services;
1203 (5) provide for the compilation of necessary or desirable information, statistics, and

1204 reports;

1205 (6) perform other duties and functions required by law;

1206 (7) monitor the application of eligibility policy;

1207 (8) develop personnel training programs for effective and efficient operation of the

1208 programs administered by the department;

1209 (9) provide refugee resettlement services in accordance with Section [35A-3-701](#);

1210 (10) provide child care assistance for children in accordance with Part 2, Office of

1211 Child Care;

1212 (11) provide services that enable an applicant or recipient to qualify for affordable

1213 housing in cooperation with:

1214 (a) the Utah Housing Corporation;

1215 (b) the Housing and Community Development Division; and

1216 (c) local housing authorities;

1217 [~~(12) in accordance with 42 C.F.R. Sec. 431.10, develop non-clinical eligibility policy~~

1218 ~~and procedures to implement the eligibility state plan, waivers, and administrative rules~~

1219 ~~developed and issued by the Department of Health and Human Services for medical assistance~~

1220 ~~under:]~~

1221 [~~(a) Title 26, Chapter 18, Medical Assistance Act; and]~~

1222 [~~(b) Title 26, Chapter 40, Utah Children's Health Insurance Act;]~~

1223 [~~(13)~~] (12) administer the Medicaid Eligibility Quality Control function in accordance

1224 with 42 C.F.R. Sec. 431.812; and

1225 [~~(14)~~] (13) conduct non-clinical eligibility hearings and issue final decisions in

1226 adjudicative proceedings, including expedited appeals as defined in 42 C.F.R. Sec. 431.224, for

1227 medical assistance eligibility under:

1228 (a) Title 26, Chapter 18, Medical Assistance Act; or

1229 (b) Title 26, Chapter 40, Utah Children's Health Insurance Act.

1230 Section 35. Section **62A-1-104** is amended to read:

1231 **62A-1-104. Definitions.**

1232 (1) As used in this title:

1233 (a) "Competency evaluation" means the same as that term is defined in Section

1234 [77-15-2](#).

- 1235 (b) "Concurrence of the board" means agreement by a majority of the members of a
1236 board.
- 1237 (c) "Department" means the Department of Health and Human Services [~~established in~~
1238 ~~Section 62A-1-102~~] created in Section 26B-1-201.
- 1239 (d) "Executive director" means the executive director of the department, appointed
1240 under Section [~~62A-1-108~~] 26B-1-203.
- 1241 (e) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 1242 (f) "Stabilization services" means in-home services provided to a child with, or who is
1243 at risk for, complex emotional and behavioral needs, including teaching the child's parent or
1244 guardian skills to improve family functioning.
- 1245 (g) "System of care" means a broad, flexible array of services and supports that:
- 1246 (i) serves a child with or who is at risk for complex emotional and behavioral needs;
1247 (ii) is community based;
1248 (iii) is informed about trauma;
1249 (iv) builds meaningful partnerships with families and children;
1250 (v) integrates service planning, service coordination, and management across state and
1251 local entities;
- 1252 (vi) includes individualized case planning;
- 1253 (vii) provides management and policy infrastructure that supports a coordinated
1254 network of interdepartmental service providers, contractors, and service providers who are
1255 outside of the department; and
- 1256 (viii) is guided by the type and variety of services needed by a child with or who is at
1257 risk for complex emotional and behavioral needs and by the child's family.
- 1258 (2) The definitions provided in Subsection (1) are to be applied in addition to
1259 definitions contained throughout this title that are applicable to specified chapters or parts.
- 1260 Section 36. Section **62A-1-111.6** is amended to read:
- 1261 **62A-1-111.6. Reallocating unexpended money to designated priority programs --**
1262 **Reporting -- Limitation.**
- 1263 (1) (a) Beginning fiscal year 2022, the department may:
- 1264 (i) designate up to three existing programs, as defined in Section 63J-1-102, within the
1265 department as priority programs to receive unrestricted General Fund money that is reallocated

1266 under Subsection (1)(a)(ii); and
1267 (ii) reallocate unexpended, unrestricted General Fund money from a program in one
1268 line item within the department to one or more of the designated priority programs in another
1269 line item within the department.

1270 (b) The department may only reallocate funds under Subsection (1)(a) between
1271 programs as defined by Section 63J-1-102 if the programs are created pursuant to this title.

1272 [~~(b)~~] (c) The department shall make any reallocation of unexpended money under
1273 Subsection (1)(a) before the end of the fiscal year in which the money was appropriated.

1274 [~~(c)~~] (d) The department may not make a reallocation under this section if the
1275 reallocation:

1276 (i) results in the creation of a new program, benefit, or service;

1277 (ii) results in a significant expansion of:

1278 (A) a program; or

1279 (B) the scope or type of benefit or service already provided; or

1280 (iii) provides funding for a budget request that the Legislature previously declined.

1281 (2) On or before December 1 of each year, the department shall report to the Social
1282 Services Appropriations Subcommittee:

1283 (a) on the department's designation of priority programs to receive the unexpended
1284 money under Subsection (1)(a); and

1285 (b) if applicable, on the department's use, during the prior fiscal year, of unexpended
1286 money reallocated under Subsection (1).

1287 (3) Except in accordance with pay plans developed and adopted as described in
1288 Subsection 63A-17-307(4)(a), the department may not allocate unexpended money under
1289 Subsection (1) for a priority program's personnel costs.

1290 Section 37. Section 62A-15-102 is amended to read:

1291 **62A-15-102. Definitions.**

1292 As used in this chapter:

1293 (1) "Criminal risk factors" means a person's characteristics and behaviors that:

1294 (a) affect the person's risk of engaging in criminal behavior; and

1295 (b) are diminished when addressed by effective treatment, supervision, and other
1296 support resources, resulting in reduced risk of criminal behavior.

1297 ~~[(2) "Director" means the director of the Division of Substance Abuse and Mental~~
1298 ~~Health.]~~

1299 ~~[(3) "Division" means the Division of Substance Abuse and Mental Health established~~
1300 ~~in Section 62A-15-103.]~~

1301 (2) "Director" means, as designated by the executive director:

1302 (a) the director appointed by the executive director under Section 62A-15-104; or

1303 (b) the director of the division.

1304 (3) "Division" means:

1305 (a) the Division of Integrated Healthcare created in Section 26B-1-204; or

1306 (b) a division, office, or operation designated by the executive director under

1307 Subsection 26B-1-204(5).

1308 (4) "Local mental health authority" means a county legislative body.

1309 (5) "Local substance abuse authority" means a county legislative body.

1310 (6) "Mental health crisis" means:

1311 (a) a mental health condition that manifests in an individual by symptoms of sufficient
1312 severity that a prudent layperson who possesses an average knowledge of mental health issues
1313 could reasonably expect the absence of immediate attention or intervention to result in:

1314 (i) serious danger to the individual's health or well-being; or

1315 (ii) a danger to the health or well-being of others; or

1316 (b) a mental health condition that, in the opinion of a mental health therapist or the
1317 therapist's designee, requires direct professional observation or intervention.

1318 (7) "Mental health crisis response training" means community-based training that
1319 educates laypersons and professionals on the warning signs of a mental health crisis and how to
1320 respond.

1321 (8) "Mental health crisis services" means an array of services provided to an individual
1322 who experiences a mental health crisis, which may include:

1323 (a) direct mental health services;

1324 (b) on-site intervention provided by a mobile crisis outreach team;

1325 (c) the provision of safety and care plans;

1326 (d) prolonged mental health services for up to 90 days after the day on which an
1327 individual experiences a mental health crisis;

1328 (e) referrals to other community resources;

1329 (f) local mental health crisis lines; and

1330 (g) the statewide mental health crisis line.

1331 (9) "Mental health therapist" means the same as that term is defined in Section

1332 [58-60-102](#).

1333 (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
1334 mental health professionals that, in coordination with local law enforcement and emergency
1335 medical service personnel, provides mental health crisis services.

1336 (11) (a) "Public funds" means federal money received from the [~~Department of Human~~
1337 ~~Services or the Department of Health~~] department, and state money appropriated by the
1338 Legislature to the [~~Department of Human Services, the Department of Health~~] department, a
1339 county governing body, or a local substance abuse authority, or a local mental health authority
1340 for the purposes of providing substance abuse or mental health programs or services.

1341 (b) "Public funds" include federal and state money that has been transferred by a local
1342 substance abuse authority or a local mental health authority to a private provider under an
1343 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental
1344 health programs or services for the local substance abuse authority or local mental health
1345 authority. The money maintains the nature of "public funds" while in the possession of the
1346 private entity that has an annual or otherwise ongoing contract with a local substance abuse
1347 authority or a local mental health authority to provide comprehensive substance abuse or
1348 mental health programs or services for the local substance abuse authority or local mental
1349 health authority.

1350 (c) Public funds received for the provision of services [~~pursuant to~~] under substance
1351 abuse or mental health service plans may not be used for any other purpose except those
1352 authorized in the contract between the local mental health or substance abuse authority and
1353 provider for the provision of plan services.

1354 (12) "Severe mental disorder" means schizophrenia, major depression, bipolar
1355 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by
1356 the division.

1357 (13) "Statewide mental health crisis line" means the same as that term is defined in
1358 Section [62A-15-1301](#).

1359 Section 38. Section **62A-15-103** is amended to read:

1360 **62A-15-103. Division -- Creation -- Responsibilities.**

1361 (1) (a) [~~There is created~~] The department shall exercise responsibility over the
1362 policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities
1363 outlined in state law that were previously vested in the Division of Substance Abuse and
1364 Mental Health [~~within the department, under the administration and general supervision of the~~
1365 ~~executive director~~].

1366 (b) The [~~division~~] department is the substance abuse authority and the mental health
1367 authority for this state.

1368 (2) The [~~division~~] department shall:

1369 (a) (i) educate the general public regarding the nature and consequences of substance
1370 abuse by promoting school and community-based prevention programs;

1371 (ii) render support and assistance to public schools through approved school-based
1372 substance abuse education programs aimed at prevention of substance abuse;

1373 (iii) promote or establish programs for the prevention of substance abuse within the
1374 community setting through community-based prevention programs;

1375 (iv) cooperate with and assist treatment centers, recovery residences, and other
1376 organizations that provide services to individuals recovering from a substance abuse disorder,
1377 by identifying and disseminating information about effective practices and programs;

1378 (v) except as provided in Section [62A-15-103.5](#), make rules in accordance with Title
1379 63G, Chapter 3, Utah Administrative Rulemaking Act, to develop, in collaboration with public
1380 and private programs, minimum standards for public and private providers of substance abuse
1381 and mental health programs licensed by the department under [~~Title 62A,~~] Chapter 2, Licensure
1382 of Programs and Facilities;

1383 (vi) promote integrated programs that address an individual's substance abuse, mental
1384 health, physical health, and criminal risk factors;

1385 (vii) establish and promote an evidence-based continuum of screening, assessment,
1386 prevention, treatment, and recovery support services in the community for individuals with
1387 substance use disorder and mental illness that addresses criminal risk factors;

1388 (viii) evaluate the effectiveness of programs described in this Subsection (2);

1389 (ix) consider the impact of the programs described in this Subsection (2) on:

- 1390 (A) emergency department utilization;
- 1391 (B) jail and prison populations;
- 1392 (C) the homeless population; and
- 1393 (D) the child welfare system; and
- 1394 (x) promote or establish programs for education and certification of instructors to
- 1395 educate individuals convicted of driving under the influence of alcohol or drugs or driving with
- 1396 any measurable controlled substance in the body;
- 1397 (b) (i) collect and disseminate information pertaining to mental health;
- 1398 (ii) provide direction over the state hospital including approval of the state hospital's
- 1399 budget, administrative policy, and coordination of services with local service plans;
- 1400 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 1401 Rulemaking Act, to educate families concerning mental illness and promote family
- 1402 involvement, when appropriate, and with patient consent, in the treatment program of a family
- 1403 member; and
- 1404 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 1405 Rulemaking Act, to direct that an individual receiving services through a local mental health
- 1406 authority or the Utah State Hospital be informed about and, if desired by the individual,
- 1407 provided assistance in the completion of a declaration for mental health treatment in
- 1408 accordance with Section [62A-15-1002](#);
- 1409 (c) (i) consult and coordinate with local substance abuse authorities and local mental
- 1410 health authorities regarding programs and services;
- 1411 (ii) provide consultation and other assistance to public and private agencies and groups
- 1412 working on substance abuse and mental health issues;
- 1413 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
- 1414 medical and social agencies, public health authorities, law enforcement agencies, education and
- 1415 research organizations, and other related groups;
- 1416 (iv) promote or conduct research on substance abuse and mental health issues, and
- 1417 submit to the governor and the Legislature recommendations for changes in policy and
- 1418 legislation;
- 1419 (v) receive, distribute, and provide direction over public funds for substance abuse and
- 1420 mental health services;

- 1421 (vi) monitor and evaluate programs provided by local substance abuse authorities and
- 1422 local mental health authorities;
- 1423 (vii) examine expenditures of local, state, and federal funds;
- 1424 (viii) monitor the expenditure of public funds by:
- 1425 (A) local substance abuse authorities;
- 1426 (B) local mental health authorities; and
- 1427 (C) in counties where they exist, a private contract provider that has an annual or
- 1428 otherwise ongoing contract to provide comprehensive substance abuse or mental health
- 1429 programs or services for the local substance abuse authority or local mental health authority;
- 1430 (ix) contract with local substance abuse authorities and local mental health authorities
- 1431 to provide a comprehensive continuum of services that include community-based services for
- 1432 individuals involved in the criminal justice system, in accordance with division policy, contract
- 1433 provisions, and the local plan;
- 1434 (x) contract with private and public entities for special statewide or nonclinical
- 1435 services, or services for individuals involved in the criminal justice system, according to
- 1436 division rules;
- 1437 (xi) review and approve each local substance abuse authority's plan and each local
- 1438 mental health authority's plan in order to ensure:
- 1439 (A) a statewide comprehensive continuum of substance abuse services;
- 1440 (B) a statewide comprehensive continuum of mental health services;
- 1441 (C) services result in improved overall health and functioning;
- 1442 (D) a statewide comprehensive continuum of community-based services designed to
- 1443 reduce criminal risk factors for individuals who are determined to have substance abuse or
- 1444 mental illness conditions or both, and who are involved in the criminal justice system;
- 1445 (E) compliance, where appropriate, with the certification requirements in Subsection
- 1446 (2)(j); and
- 1447 (F) appropriate expenditure of public funds;
- 1448 (xii) review and make recommendations regarding each local substance abuse
- 1449 authority's contract with the local substance abuse authority's provider of substance abuse
- 1450 programs and services and each local mental health authority's contract with the local mental
- 1451 health authority's provider of mental health programs and services to ensure compliance with

1452 state and federal law and policy;

1453 (xiii) monitor and ensure compliance with division rules and contract requirements;

1454 and

1455 (xiv) withhold funds from local substance abuse authorities, local mental health
1456 authorities, and public and private providers for contract noncompliance, failure to comply
1457 with division directives regarding the use of public funds, or for misuse of public funds or
1458 money;

1459 (d) ensure that the requirements of this part are met and applied uniformly by local
1460 substance abuse authorities and local mental health authorities across the state;

1461 (e) require each local substance abuse authority and each local mental health authority,
1462 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to
1463 the division on or before May 15 of each year;

1464 (f) conduct an annual program audit and review of each local substance abuse authority
1465 and each local substance abuse authority's contract provider, and each local mental health
1466 authority and each local mental health authority's contract provider, including:

1467 (i) a review and determination regarding whether:

1468 (A) public funds allocated to the local substance abuse authority or the local mental
1469 health authorities are consistent with services rendered by the authority or the authority's
1470 contract provider, and with outcomes reported by the authority's contract provider; and

1471 (B) each local substance abuse authority and each local mental health authority is
1472 exercising sufficient oversight and control over public funds allocated for substance use
1473 disorder and mental health programs and services; and

1474 (ii) items determined by the division to be necessary and appropriate;

1475 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
1476 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

1477 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
1478 supports services to an individual with:

1479 (A) a substance use disorder;

1480 (B) a mental health disorder; or

1481 (C) a substance use disorder and a mental health disorder;

1482 (ii) certify a person to carry out, as needed, the division's duty to train and certify an

1483 adult as a peer support specialist;

1484 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

1485 Rulemaking Act, that:

1486 (A) establish training and certification requirements for a peer support specialist;

1487 (B) specify the types of services a peer support specialist is qualified to provide;

1488 (C) specify the type of supervision under which a peer support specialist is required to

1489 operate; and

1490 (D) specify continuing education and other requirements for maintaining or renewing

1491 certification as a peer support specialist; and

1492 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative

1493 Rulemaking Act, that:

1494 (A) establish the requirements for a person to be certified to carry out, as needed, the

1495 division's duty to train and certify an adult as a peer support specialist; and

1496 (B) specify how the division shall provide oversight of a person certified to train and

1497 certify a peer support specialist;

1498 (i) except as provided in Section [62A-15-103.5](#), establish by rule, in accordance with

1499 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, minimum standards and

1500 requirements for the provision of substance use disorder and mental health treatment to an

1501 individual who is incarcerated or who is required to participate in treatment by a court or by the

1502 Board of Pardons and Parole, including:

1503 (i) collaboration with the Department of Corrections and the Utah Substance Use and

1504 Mental Health Advisory Council to develop and coordinate the standards, including standards

1505 for county and state programs serving individuals convicted of class A and class B

1506 misdemeanors;

1507 (ii) determining that the standards ensure available treatment, including the most

1508 current practices and procedures demonstrated by recognized scientific research to reduce

1509 recidivism, including focus on the individual's criminal risk factors; and

1510 (iii) requiring that all public and private treatment programs meet the standards

1511 established under this Subsection (2)(i) in order to receive public funds allocated to the

1512 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice

1513 for the costs of providing screening, assessment, prevention, treatment, and recovery support;

1514 (j) except as provided in Section 62A-15-103.5, establish by rule, in accordance with
1515 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the requirements and procedures
1516 for the certification of licensed public and private providers, including individuals licensed by
1517 the Division of Occupational and Professional Licensing, programs licensed by the department,
1518 and health care facilities licensed by the Department of Health, who provide, as part of their
1519 practice, substance use disorder and mental health treatment to an individual involved in the
1520 criminal justice system, including:

1521 (i) collaboration with the Department of Corrections, the Utah Substance Use and
1522 Mental Health Advisory Council, and the Utah Association of Counties to develop, coordinate,
1523 and implement the certification process;

1524 (ii) basing the certification process on the standards developed under Subsection (2)(i)
1525 for the treatment of an individual involved in the criminal justice system; and

1526 (iii) the requirement that a public or private provider of treatment to an individual
1527 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
1528 shall renew the certification every two years, in order to qualify for funds allocated to the
1529 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
1530 on or after July 1, 2016;

1531 (k) collaborate with the Commission on Criminal and Juvenile Justice to analyze and
1532 provide recommendations to the Legislature regarding:

1533 (i) pretrial services and the resources needed to reduce recidivism;

1534 (ii) county jail and county behavioral health early-assessment resources needed for an
1535 offender convicted of a class A or class B misdemeanor; and

1536 (iii) the replacement of federal dollars associated with drug interdiction law
1537 enforcement task forces that are reduced;

1538 (l) (i) establish performance goals and outcome measurements for all treatment
1539 programs for which minimum standards are established under Subsection (2)(i), including
1540 recidivism data and data regarding cost savings associated with recidivism reduction and the
1541 reduction in the number of inmates, that are obtained in collaboration with the Administrative
1542 Office of the Courts and the Department of Corrections; and

1543 (ii) collect data to track and determine whether the goals and measurements are being
1544 attained and make this information available to the public;

1545 (m) in the division's discretion, use the data to make decisions regarding the use of
1546 funds allocated to the division, the Administrative Office of the Courts, and the Department of
1547 Corrections to provide treatment for which standards are established under Subsection (2)(i);

1548 (n) annually, on or before August 31, submit the data collected under Subsection (2)(k)
1549 to the Commission on Criminal and Juvenile Justice, which shall compile a report of findings
1550 based on the data and provide the report to the Judiciary Interim Committee, the Health and
1551 Human Services Interim Committee, the Law Enforcement and Criminal Justice Interim
1552 Committee, and the related appropriations subcommittees; and

1553 (o) consult and coordinate with the Department of Health and the Division of Child
1554 and Family Services to develop and manage the operation of a program designed to reduce
1555 substance abuse during pregnancy and by parents of a newborn child that includes:

1556 (i) providing education and resources to health care providers and individuals in the
1557 state regarding prevention of substance abuse during pregnancy;

1558 (ii) providing training to health care providers in the state regarding screening of a
1559 pregnant woman or pregnant minor to identify a substance abuse disorder; and

1560 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn
1561 child in need of substance abuse treatment services to a facility that has the capacity to provide
1562 the treatment services.

1563 (3) In addition to the responsibilities described in Subsection (2), the division shall,
1564 within funds appropriated by the Legislature for this purpose, implement and manage the
1565 operation of a firearm safety and suicide prevention program, in consultation with the Bureau
1566 of Criminal Identification created in Section 53-10-201, including:

1567 (a) coordinating with the Department of Health, local mental health and substance
1568 abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a
1569 Utah-based nonprofit organization with expertise in the field of firearm use and safety that
1570 represents firearm owners, to:

1571 (i) produce and periodically review and update a firearm safety brochure and other
1572 educational materials with information about the safe handling and use of firearms that
1573 includes:

1574 (A) information on safe handling, storage, and use of firearms in a home environment;

1575 (B) information about at-risk individuals and individuals who are legally prohibited

1576 from possessing firearms;

1577 (C) information about suicide prevention awareness; and

1578 (D) information about the availability of firearm safety packets;

1579 (ii) procure cable-style gun locks for distribution under this section;

1580 (iii) produce a firearm safety packet that includes the firearm safety brochure and the

1581 cable-style gun lock described in this Subsection (3); and

1582 (iv) create a suicide prevention education course that:

1583 (A) provides information for distribution regarding firearm safety education;

1584 (B) incorporates current information on how to recognize suicidal behaviors and

1585 identify individuals who may be suicidal; and

1586 (C) provides information regarding crisis intervention resources;

1587 (b) distributing, free of charge, the firearm safety packet to the following persons, who

1588 shall make the firearm safety packet available free of charge:

1589 (i) health care providers, including emergency rooms;

1590 (ii) mobile crisis outreach teams;

1591 (iii) mental health practitioners;

1592 (iv) other public health suicide prevention organizations;

1593 (v) entities that teach firearm safety courses;

1594 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents

1595 of students in the school district; and

1596 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);

1597 (c) creating and administering a rebate program that includes a rebate that offers

1598 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms

1599 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

1600 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

1601 making rules that establish procedures for:

1602 (i) producing and distributing the suicide prevention education course and the firearm

1603 safety brochures and packets;

1604 (ii) procuring the cable-style gun locks for distribution; and

1605 (iii) administering the rebate program; and

1606 (e) reporting to the Health and Human Services Interim Committee regarding

1607 implementation and success of the firearm safety program and suicide prevention education
1608 course at or before the November meeting each year.

1609 (4) (a) The division may refuse to contract with and may pursue legal remedies against
1610 any local substance abuse authority or local mental health authority that fails, or has failed, to
1611 expend public funds in accordance with state law, division policy, contract provisions, or
1612 directives issued in accordance with state law.

1613 (b) The division may withhold funds from a local substance abuse authority or local
1614 mental health authority if the authority's contract provider of substance abuse or mental health
1615 programs or services fails to comply with state and federal law or policy.

1616 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
1617 or local mental health authority, the division shall review and determine whether the local
1618 substance abuse authority or local mental health authority is complying with the oversight and
1619 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and
1620 [17-43-309](#).

1621 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
1622 liability described in Section [17-43-303](#) and to the responsibility and liability described in
1623 Section [17-43-203](#).

1624 (6) In carrying out the division's duties and responsibilities, the division may not
1625 duplicate treatment or educational facilities that exist in other divisions or departments of the
1626 state, but shall work in conjunction with those divisions and departments in rendering the
1627 treatment or educational services that those divisions and departments are competent and able
1628 to provide.

1629 (7) The division may accept in the name of and on behalf of the state donations, gifts,
1630 devises, or bequests of real or personal property or services to be used as specified by the
1631 donor.

1632 (8) The division shall annually review with each local substance abuse authority and
1633 each local mental health authority the authority's statutory and contract responsibilities
1634 regarding:

1635 (a) use of public funds;

1636 (b) oversight of public funds; and

1637 (c) governance of substance use disorder and mental health programs and services.

1638 (9) The Legislature may refuse to appropriate funds to the division upon the division's
1639 failure to comply with the provisions of this part.

1640 (10) If a local substance abuse authority contacts the division under Subsection
1641 [17-43-201](#)(10) for assistance in providing treatment services to a pregnant woman or pregnant
1642 minor, the division shall:

1643 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
1644 capacity to provide the treatment services; or

1645 (b) otherwise ensure that treatment services are made available to the pregnant woman
1646 or pregnant minor.

1647 (11) The division shall employ a school-based mental health specialist to be housed at
1648 the State Board of Education who shall work with the State Board of Education to:

1649 (a) provide coordination between a local education agency and local mental health
1650 authority;

1651 (b) recommend evidence-based and evidence informed mental health screenings and
1652 intervention assessments for a local education agency; and

1653 (c) coordinate with the local community, including local departments of health, to
1654 enhance and expand mental health related resources for a local education agency.

1655 Section 39. Section **62A-15-104** is amended to read:

1656 **62A-15-104. Director -- Qualifications.**

1657 [~~(1) The director of the division shall be appointed by the executive director.~~]

1658 (1) The executive director may appoint an individual to carry out all or part of the
1659 duties and responsibilities of the director described in this part.

1660 (2) [~~The~~] If the executive director appoints an individual under Subsection (1), the
1661 director shall have a bachelor's degree from an accredited university or college, be experienced
1662 in administration, and be knowledgeable in matters concerning substance abuse and mental
1663 health.

1664 [~~(3) The director is the administrative head of the division.~~]

1665 Section 40. Section **63I-2-226** is amended to read:

1666 **63I-2-226. Repeal dates, Title 26.**

1667 (1) Subsection [26-1-7](#)(1)(c), in relation to the Air Ambulance Committee, is repealed
1668 July 1, 2024.

- 1669 (2) Section 26-4-6.1 is repealed January 1, 2022.
- 1670 (3) Section 26-6-41, in relation to termination of public health emergency powers
1671 pertaining to COVID-19, is repealed on July 1, 2021.
- 1672 (4) Subsection 26-7-8(3) is repealed January 1, 2027.
- 1673 (5) Section 26-8a-107 is repealed July 1, 2024.
- 1674 (6) Subsection 26-8a-203(3)(a)(i) is repealed January 1, 2023.
- 1675 (7) Section 26-8a-211 is repealed July 1, 2023.
- 1676 (8) In relation to the Air Ambulance Committee, on July 1, 2024, Subsection
1677 26-8a-602(1)(a) is amended to read:
- 1678 "(a) provide the patient or the patient's representative with the following information
1679 before contacting an air medical transport provider:
- 1680 (i) which health insurers in the state the air medical transport provider contracts with;
1681 (ii) if sufficient data is available, the average charge for air medical transport services
1682 for a patient who is uninsured or out of network; and
1683 (iii) whether the air medical transport provider balance bills a patient for any charge
1684 not paid by the patient's health insurer; and".
- 1685 (9) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.
- 1686 (10) Subsection 26-18-411(8), related to reporting on the health coverage improvement
1687 program, is repealed January 1, 2023.
- 1688 (11) Subsection 26-18-420(5), related to reporting on coverage for in vitro fertilization
1689 and genetic testing, is repealed July 1, 2030.
- 1690 (12) In relation to the Air Ambulance Committee, July 1, 2024, Subsection
1691 26-21-32(1)(a) is amended to read:
- 1692 "(a) provide the patient or the patient's representative with the following information
1693 before contacting an air medical transport provider:
- 1694 (i) which health insurers in the state the air medical transport provider contracts with;
1695 (ii) if sufficient data is available, the average charge for air medical transport services
1696 for a patient who is uninsured or out of network; and
1697 (iii) whether the air medical transport provider balance bills a patient for any charge
1698 not paid by the patient's health insurer; and".
- 1699 (13) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

1700 (14) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance Program,
1701 is repealed July 1, 2027.

1702 (15) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

1703 (16) Subsection 26-61-202(5) is repealed January 1, 2022.

1704 (17) Section 26A-1-130, in relation to termination of public health emergency powers
1705 pertaining to COVID-19, is repealed on July 1, 2021.

1706 [~~(18) Section 26B-1-201.1 is repealed July 1, 2022.~~]

1707 Section 41. **Repealer.**

1708 This bill repeals:

1709 Section 26-1-1, Title cited as "Utah Health Code."

1710 Section 26-1-3, Purpose of title -- Consolidation of health functions into single state
1711 agency.

1712 Section 26B-1-101, Title.

1713 Section 62A-1-101, Short title.

1714 Section 62A-1-102, Department of Human Services -- Creation.

1715 Section 62A-5-304, Limited admission of persons convicted of felony offenses.

1716 Section 42. **Effective date.**

1717 This bill takes effect on July 1, 2022.