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OFFICE OF FAMILIES
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Dan N. Johnson
Senate Sponsor: Chris H. Wilson

LONG TITLE

General Description:

This bill creates the Office of Families within the Department of Health and Human Services.

Highlighted Provisions:

- This bill:
- ▶ defines terms;
 - ▶ creates the Office of Families within the Department of Health and Human Services;
 - ▶ establishes the powers and duties of the Office of Families;
 - ▶ requires the Department of Health and Human Services to share certain data with the Office of Families;
 - ▶ allows the Office of Families to request data from governmental entities; and
 - ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 26B-1-202 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 302
- 26B-1-204 (Effective 05/01/24) (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249, 305
- 26B-1-204 (Effective 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 249, 305 and 310

ENACTS:

28 **26B-1-243 (Effective 05/01/24)**, Utah Code Annotated 1953

29

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

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

32 **26B-1-202 (Effective 05/01/24). Department authority and duties.**

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

- 35 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
36 Act, and not inconsistent with law, as the department may consider necessary or
37 desirable for providing health and social services to the people of this state;
- 38 (2) establish and manage client trust accounts in the department's institutions and
39 community programs, at the request of the client or the client's legal guardian or
40 representative, or in accordance with federal law;
- 41 (3) purchase, as authorized or required by law, services that the department is responsible to
42 provide for legally eligible persons;
- 43 (4) conduct adjudicative proceedings for clients and providers in accordance with the
44 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 45 (5) establish eligibility standards for the department's programs, not inconsistent with state
46 or federal law or regulations;
- 47 (6) take necessary steps, including legal action, to recover money or the monetary value of
48 services provided to a recipient who was not eligible;
- 49 (7) set and collect fees for the department's services;
- 50 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
51 limited by law;
- 52 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
53 department, not inconsistent with state law;
- 54 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
55 proceeds thereof, may be credited to the program designated by the donor, and may be
56 used for the purposes requested by the donor, as long as the request conforms to state
57 and federal policy; all donated funds shall be considered private, nonlapsing funds and
58 may be invested under guidelines established by the state treasurer;
- 59 (11) accept and employ volunteer labor or services; the department is authorized to
60 reimburse volunteers for necessary expenses, when the department considers that
61 reimbursement to be appropriate;

- 62 (12) carry out the responsibility assigned in the workforce services plan by the State
63 Workforce Development Board;
- 64 (13) carry out the responsibility assigned by Section 62A-5a-105 with respect to
65 coordination of services for students with a disability;
- 66 (14) provide training and educational opportunities for the department's staff;
- 67 (15) collect child support payments and any other money due to the department;
- 68 (16) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
69 whose child lives out of the home in a department licensed or certified setting;
- 70 (17) establish policy and procedures, within appropriations authorized by the Legislature, in
71 cases where the Division of Child and Family Services or the Division of Juvenile
72 Justice Services is given custody of a minor by the juvenile court under Title 80, Utah
73 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor
74 found not competent to proceed under Section 80-6-403, including:
- 75 (a) designation of interagency teams for each juvenile court district in the state;
76 (b) delineation of assessment criteria and procedures;
77 (c) minimum requirements, and timeframes, for the development and implementation of
78 a collaborative service plan for each minor placed in department custody; and
79 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 80 (18) carry out the responsibilities assigned to the department by statute;
- 81 (19) examine and audit the expenditures of any public funds provided to a local substance
82 abuse authority, a local mental health authority, a local area agency on aging, and any
83 person, agency, or organization that contracts with or receives funds from those
84 authorities or agencies. Those local authorities, area agencies, and any person or entity
85 that contracts with or receives funds from those authorities or area agencies, shall
86 provide the department with any information the department considers necessary. The
87 department is further authorized to issue directives resulting from any examination or
88 audit to a local authority, an area agency, and persons or entities that contract with or
89 receive funds from those authorities with regard to any public funds. If the department
90 determines that it is necessary to withhold funds from a local mental health authority or
91 local substance abuse authority based on failure to comply with state or federal law,
92 policy, or contract provisions, the department may take steps necessary to ensure
93 continuity of services. For purposes of this Subsection (19) "public funds" means the
94 same as that term is defined in Section 62A-15-102;
- 95 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and

- 96 persons to provide intercountry adoption services;
- 97 (21) within legislative appropriations, promote and develop a system of care and
98 stabilization services:
- 99 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
- 100 (b) that encompasses the department, department contractors, and the divisions, offices,
101 or institutions within the department, to:
- 102 (i) navigate services, funding resources, and relationships to the benefit of the
103 children and families whom the department serves;
- 104 (ii) centralize department operations, including procurement and contracting;
- 105 (iii) develop policies that govern business operations and that facilitate a system of
106 care approach to service delivery;
- 107 (iv) allocate resources that may be used for the children and families served by the
108 department or the divisions, offices, or institutions within the department, subject
109 to the restrictions in Section 63J-1-206;
- 110 (v) create performance-based measures for the provision of services; and
- 111 (vi) centralize other business operations, including data matching and sharing among
112 the department's divisions, offices, and institutions;
- 113 (22) ensure that any training or certification required of a public official or public
114 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
115 Chapter 22, State Training and Certification Requirements, if the training or certification
116 is required:
- 117 (a) under this title;
- 118 (b) by the department; or
- 119 (c) by an agency or division within the department;
- 120 (23) enter into cooperative agreements with the Department of Environmental Quality to
121 delineate specific responsibilities to assure that assessment and management of risk to
122 human health from the environment are properly administered;
- 123 (24) consult with the Department of Environmental Quality and enter into cooperative
124 agreements, as needed, to ensure efficient use of resources and effective response to
125 potential health and safety threats from the environment, and to prevent gaps in
126 protection from potential risks from the environment to specific individuals or
127 population groups;
- 128 (25) to the extent authorized under state law or required by federal law, promote and protect
129 the health and wellness of the people within the state;

- 130 (26) establish, maintain, and enforce rules authorized under state law or required by federal
131 law to promote and protect the public health or to prevent disease and illness;
- 132 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
133 affecting the public health;
- 134 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or
135 any other disease or health hazard which the department considers to be dangerous,
136 important, or likely to affect the public health;
- 137 (29) collect and report information on causes of injury, sickness, death, and disability and
138 the risk factors that contribute to the causes of injury, sickness, death, and disability
139 within the state;
- 140 (30) collect, prepare, publish, and disseminate information to inform the public concerning
141 the health and wellness of the population, specific hazards, and risks that may affect the
142 health and wellness of the population and specific activities which may promote and
143 protect the health and wellness of the population;
- 144 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
145 communicable diseases affecting the public health;
- 146 (32) make necessary sanitary and health investigations and inspections in cooperation with
147 local health departments as to any matters affecting the public health;
- 148 (33) establish laboratory services necessary to support public health programs and medical
149 services in the state;
- 150 (34) establish and enforce standards for laboratory services which are provided by any
151 laboratory in the state when the purpose of the services is to protect the public health;
- 152 (35) cooperate with the Labor Commission to conduct studies of occupational health
153 hazards and occupational diseases arising in and out of employment in industry, and
154 make recommendations for elimination or reduction of the hazards;
- 155 (36) cooperate with the local health departments, the Department of Corrections, the
156 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the
157 Crime Victim Reparations and Assistance Board to conduct testing for HIV infection of
158 alleged sexual offenders, convicted sexual offenders, and any victims of a sexual offense;
- 159 (37) investigate the causes of maternal and infant mortality;
- 160 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
161 and drivers of motor vehicles killed in highway accidents be examined for the presence
162 and concentration of alcohol, and provide the Commissioner of Public Safety with
163 monthly statistics reflecting the results of these examinations, with necessary safeguards

- 164 so that information derived from the examinations is not used for a purpose other than
165 the compilation of these statistics;
- 166 (39) establish qualifications for individuals permitted to draw blood under Subsection
167 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),
168 and to issue permits to individuals the department finds qualified, which permits may be
169 terminated or revoked by the department;
- 170 (40) establish a uniform public health program throughout the state which includes
171 continuous service, employment of qualified employees, and a basic program of disease
172 control, vital and health statistics, sanitation, public health nursing, and other preventive
173 health programs necessary or desirable for the protection of public health;
- 174 (41) conduct health planning for the state;
- 175 (42) monitor the costs of health care in the state and foster price competition in the health
176 care delivery system;
- 177 (43) establish methods or measures for health care providers, public health entities, and
178 health care insurers to coordinate among themselves to verify the identity of the
179 individuals the providers serve;
- 180 (44) designate Alzheimer's disease and related dementia as a public health issue and, within
181 budgetary limitations, implement a state plan for Alzheimer's disease and related
182 dementia by incorporating the plan into the department's strategic planning and
183 budgetary process;
- 184 (45) coordinate with other state agencies and other organizations to implement the state
185 plan for Alzheimer's disease and related dementia;
- 186 (46) ensure that any training or certification required of a public official or public
187 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
188 Chapter 22, State Training and Certification Requirements, if the training or certification
189 is required by the agency or under this [~~title, Title 26, Utah Health Code, or Title 62A,~~
190 ~~Utah Human Services Code~~] Title 26B, Utah Health and Human Services Code;
- 191 (47) oversee public education vision screening as described in Section 53G-9-404; [~~and~~]
- 192 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
193 Alert[-] ; and
- 194 (49) as allowed by state and federal law, share data with the Office of Families that is
195 relevant to the duties described in Subsection 26B-1-243(4), which may include, to the
196 extent available:
- 197 (a) demographic data concerning family structures in the state; and

198 (b) data regarding the family structure associated with:

199 (i) suicide, depression, or anxiety; and

200 (ii) various health outcomes.

201 Section 2. Section **26B-1-204** is amended to read:

202 **26B-1-204 (Effective 05/01/24) (Superseded 07/01/24). Creation of boards,**
203 **divisions, and offices -- Power to organize department.**

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

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

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

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

210 (2) The following policymaking boards, councils, and committees are created within the
211 Department of Health and Human Services:

212 (a) Board of Aging and Adult Services;

213 (b) Utah State Developmental Center Board;

214 (c) Health Facility Committee;

215 (d) State Emergency Medical Services Committee;

216 (e) Air Ambulance Committee;

217 (f) Health Data Committee;

218 (g) Utah Health Care Workforce Financial Assistance Program Advisory Committee;

219 (h) Child Care Provider Licensing Committee;

220 (i) Primary Care Grant Committee;

221 (j) Adult Autism Treatment Program Advisory Committee;

222 (k) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee; and

223 (l) any boards, councils, or committees that are created by statute in this title.

224 (3) The following divisions and offices are created within the Department of Health and
225 Human Services:

226 (a) relating to operations:

227 (i) the Division of Finance and Administration;

228 (ii) the Division of Licensing and Background Checks;

229 (iii) the Division of Customer Experience;

230 (iv) the Division of Data, Systems, and Evaluation; and

231 (v) the Division of Continuous Quality Improvement;

- 232 (b) relating to healthcare administration:
- 233 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 234 (A) the state's medical assistance programs; and
- 235 (B) behavioral health programs described in Chapter 5, Health Care - Substance
- 236 Use and Mental Health;
- 237 (ii) the Division of Aging and Adult Services; and
- 238 (iii) the Division of Services for People with Disabilities; and
- 239 (c) relating to community health and well-being:
- 240 (i) the Division of Child and Family Services;
- 241 (ii) the Division of Family Health;
- 242 (iii) the Division of Population Health;
- 243 (iv) the Division of Juvenile Justice and Youth Services; [~~and~~]
- 244 (v) the Office of Families; and
- 245 (vi) the Office of Recovery Services.

246 (4) The executive director may establish offices and bureaus to facilitate management of the

247 department as required by, and in accordance with this title.

248 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the

249 organizational structure relating to the department, including the organization of the

250 department's divisions and offices, notwithstanding the organizational structure

251 described in this title.

252 Section 3. Section **26B-1-204** is amended to read:

253 **26B-1-204 (Effective 07/01/24). Creation of boards, divisions, and offices --**

254 **Power to organize department.**

255 (1) The executive director shall make rules in accordance with Title 63G, Chapter 3, Utah

256 Administrative Rulemaking Act, and not inconsistent with law for:

- 257 (a) the administration and government of the department;
- 258 (b) the conduct of the department's employees; and
- 259 (c) the custody, use, and preservation of the records, papers, books, documents, and
- 260 property of the department.

261 (2) The following policymaking boards, councils, and committees are created within the

262 Department of Health and Human Services:

- 263 (a) Board of Aging and Adult Services;
- 264 (b) Utah State Developmental Center Board;
- 265 (c) Health Facility Committee;

- 266 (d) Health Data Committee;
- 267 (e) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
- 268 (f) Child Care Provider Licensing Committee;
- 269 (g) Primary Care Grant Committee;
- 270 (h) Adult Autism Treatment Program Advisory Committee;
- 271 (i) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee; and
- 272 (j) any boards, councils, or committees that are created by statute in this title.
- 273 (3) The following divisions and offices are created within the Department of Health and
- 274 Human Services:
- 275 (a) relating to operations:
- 276 (i) the Division of Finance and Administration;
- 277 (ii) the Division of Licensing and Background Checks;
- 278 (iii) the Division of Customer Experience;
- 279 (iv) the Division of Data, Systems, and Evaluation; and
- 280 (v) the Division of Continuous Quality Improvement;
- 281 (b) relating to healthcare administration:
- 282 (i) the Division of Integrated Healthcare, which shall include responsibility for:
- 283 (A) the state's medical assistance programs; and
- 284 (B) behavioral health programs described in Chapter 5, Health Care - Substance
- 285 Use and Mental Health;
- 286 (ii) the Division of Aging and Adult Services; and
- 287 (iii) the Division of Services for People with Disabilities; and
- 288 (c) relating to community health and well-being:
- 289 (i) the Division of Child and Family Services;
- 290 (ii) the Division of Family Health;
- 291 (iii) the Division of Population Health;
- 292 (iv) the Division of Juvenile Justice and Youth Services; [~~and~~]
- 293 (v) the Office of Families; and
- 294 (vi) the Office of Recovery Services.
- 295 (4) The executive director may establish offices and bureaus to facilitate management of the
- 296 department as required by, and in accordance with this title.
- 297 (5) From July 1, 2022, through June 30, 2023, the executive director may adjust the
- 298 organizational structure relating to the department, including the organization of the
- 299 department's divisions and offices, notwithstanding the organizational structure

300 described in this title.

301 Section 4. Section **26B-1-243** is enacted to read:

302 **26B-1-243 (Effective 05/01/24). Office of Families -- Definitions -- Director --**

303 **Purpose and duties.**

304 (1) As used in this section:

305 (a) "Director" means the director of the office appointed under Subsection (2).

306 (b) "Office" means the Office of Families.

307 (2) (a) The governor shall appoint a director of the office.

308 (b) The director serves at the pleasure of the governor.

309 (c) The governor shall establish the director's salary within the salary range fixed by the
310 Legislature in Title 67, Chapter 22, State Officer Compensation.

311 (3) The director is the administrative head of the office and shall serve as an advisor to the
312 governor on family issues.

313 (4) The office shall:

314 (a) promote policies and develop initiatives which support the needs of families and
315 children;

316 (b) analyze the impact of laws, government policies, boards, commissions, rules and
317 regulations, and policy proposals on families, parents, and children;

318 (c) evaluate the impact of tax policies on families and children; and

319 (d) advocate for policies that strengthen the ability to create and form families.

320 (5) As necessary, the director may request staff and administrative support from the
321 department.

322 (6) The office may:

323 (a) coordinate with other governmental entities in fulfilling the office's duties; and

324 (b) as allowed by state and federal law, request data or information from other
325 governmental entities that is relevant to the office's duties.

326 Section 5. **Effective date.**

327 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

328 (2) The actions affecting Section 26B-1-204 (Effective 07/01/24) take effect on July 1,
329 2024.