

HB0246S01 compared with HB0246

~~text~~ shows text that was in HB0246 but was deleted in HB0246S01.

text shows text that was not in HB0246 but was inserted into HB0246S01.

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Representative Dan N. Johnson proposes the following substitute bill:

OFFICE OF FAMILIES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: {}**Dan N. Johnson**

Senate Sponsor: {}_____

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

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- ▶ 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, as last amended by Laws of Utah 2023, Chapter 302](#)

26B-1-204 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapters 249, 305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:

26B-1-243, Utah Code Annotated 1953

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

[Section 1. Section 26B-1-202 is amended to read:](#)

26B-1-202. Department authority and duties.

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

- (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and not inconsistent with law, as the department may consider necessary or desirable for providing health and social services to the people of this state;
- (2) establish and manage client trust accounts in the department's institutions and community programs, at the request of the client or the client's legal guardian or representative, or in accordance with federal law;
- (3) purchase, as authorized or required by law, services that the department is responsible to provide for legally eligible persons;
- (4) conduct adjudicative proceedings for clients and providers in accordance with the procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- (5) establish eligibility standards for the department's programs, not inconsistent with

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state or federal law or regulations;

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

(7) set and collect fees for the department's services;

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

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

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

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

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

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

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

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

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

(17) establish policy and procedures, within appropriations authorized by the Legislature, in cases where the Division of Child and Family Services or the Division of Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not competent to proceed under Section 80-6-403, including:

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

(b) delineation of assessment criteria and procedures;

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

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

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

(19) examine and audit the expenditures of any public funds provided to a local substance abuse authority, a local mental health authority, a local area agency on aging, and any person, agency, or organization that contracts with or receives funds from those authorities or agencies. Those local authorities, area agencies, and any person or entity that contracts with or receives funds from those authorities or area agencies, shall provide the department with any information the department considers necessary. The department is further authorized to issue directives resulting from any examination or audit to a local authority, an area agency, and persons or entities that contract with or receive funds from those authorities with regard to any public funds. If the department determines that it is necessary to withhold funds from a local mental health authority or local substance abuse authority based on failure to comply with state or federal law, policy, or contract provisions, the department may take steps necessary to ensure continuity of services. For purposes of this Subsection (19) "public funds" means the same as that term is defined in Section 62A-15-102;

(20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and persons to provide intercountry adoption services;

(21) within legislative appropriations, promote and develop a system of care and stabilization services:

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

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

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

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

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

(iv) allocate resources that may be used for the children and families served by the department or the divisions, offices, or institutions within the department, subject to the

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restrictions in Section 63J-1-206;

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

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

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

(a) under this title;

(b) by the department; or

(c) by an agency or division within the department;

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

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

(25) to the extent authorized under state law or required by federal law, promote and protect the health and wellness of the people within the state;

(26) establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness;

(27) investigate the causes of epidemic, infectious, communicable, and other diseases affecting the public health;

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

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

(30) collect, prepare, publish, and disseminate information to inform the public concerning the health and wellness of the population, specific hazards, and risks that may affect

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the health and wellness of the population and specific activities which may promote and protect the health and wellness of the population;

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

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

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

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

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

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

(37) investigate the causes of maternal and infant mortality;

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

(39) establish qualifications for individuals permitted to draw blood under Subsection 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 issue permits to individuals the department finds qualified, which permits may be terminated or revoked by the department;

(40) establish a uniform public health program throughout the state which includes continuous service, employment of qualified employees, and a basic program of disease control, vital and health statistics, sanitation, public health nursing, and other preventive health

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programs necessary or desirable for the protection of public health;

(41) conduct health planning for the state;

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

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

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

(45) coordinate with other state agencies and other organizations to implement the state plan for Alzheimer's disease and related dementia;

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

(47) oversee public education vision screening as described in Section 53G-9-404;

~~[and]~~

(48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue Alert~~;~~

~~Section 1}~~ }; and

(49) as allowed by state and federal law, share data with the Office of Families that is relevant to the duties described in Subsection 26B-1-243(4), which may include, to the extent available:

(a) demographic data concerning family structures in the state; and

(b) data regarding the family structure associated with:

(i) suicide, depression, or anxiety; and

(ii) various health outcomes.

Section 2. Section **26B-1-204 (Superseded 07/01/24)** is amended to read:

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

Power to organize department.

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

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

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

- (a) Board of Aging and Adult Services;
- (b) Utah State Developmental Center Board;
- (c) Health Facility Committee;
- (d) State Emergency Medical Services Committee;
- (e) Air Ambulance Committee;
- (f) Health Data Committee;
- (g) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
- (h) Child Care Provider Licensing Committee;
- (i) Primary Care Grant Committee;
- (j) Adult Autism Treatment Program Advisory Committee;
- (k) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee; and
- (l) any boards, councils, or committees that are created by statute in this title.

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

- (a) relating to operations:
 - (i) the Division of Finance and Administration;
 - (ii) the Division of Licensing and Background Checks;
 - (iii) the Division of Customer Experience;
 - (iv) the Division of Data, Systems, and Evaluation; and
 - (v) the Division of Continuous Quality Improvement;
- (b) relating to healthcare administration:

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(i) the Division of Integrated Healthcare, which shall include responsibility for:

(A) the state's medical assistance programs; and

(B) behavioral health programs described in Chapter 5, Health Care - Substance Use and Mental Health;

(ii) the Division of Aging and Adult Services; and

(iii) the Division of Services for People with Disabilities; and

(c) relating to community health and well-being:

(i) the Division of Child and Family Services;

(ii) the Division of Family Health;

(iii) the Division of Population Health;

(iv) the Division of Juvenile Justice and Youth Services; ~~and~~

(v) the Office of Families; and

(vi) the Office of Recovery Services.

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

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

Section ~~2~~3. Section **26B-1-204 (Effective 07/01/24)** is amended to read:

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

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

(a) the administration and government of the department;

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

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

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

(a) Board of Aging and Adult Services;

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- (b) Utah State Developmental Center Board;
 - (c) Health Facility Committee;
 - (d) Health Data Committee;
 - (e) Utah Health Care Workforce Financial Assistance Program Advisory Committee;
 - (f) Child Care Provider Licensing Committee;
 - (g) Primary Care Grant Committee;
 - (h) Adult Autism Treatment Program Advisory Committee;
 - (i) Youth Electronic Cigarette, Marijuana, and Other Drug Prevention Committee; and
 - (j) any boards, councils, or committees that are created by statute in this title.
- (3) The following divisions and offices are created within the Department of Health

and Human Services:

- (a) relating to operations:
 - (i) the Division of Finance and Administration;
 - (ii) the Division of Licensing and Background Checks;
 - (iii) the Division of Customer Experience;
 - (iv) the Division of Data, Systems, and Evaluation; and
 - (v) the Division of Continuous Quality Improvement;
- (b) relating to healthcare administration:
 - (i) the Division of Integrated Healthcare, which shall include responsibility for:
 - (A) the state's medical assistance programs; and
 - (B) behavioral health programs described in Chapter 5, Health Care - Substance Use

and Mental Health;

- (ii) the Division of Aging and Adult Services; and
- (iii) the Division of Services for People with Disabilities; and
- (c) relating to community health and well-being:
 - (i) the Division of Child and Family Services;
 - (ii) the Division of Family Health;
 - (iii) the Division of Population Health;
 - (iv) the Division of Juvenile Justice and Youth Services; ~~and~~
 - (v) the Office of Families; and
 - (vi) the Office of Recovery Services.

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

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

Section ~~{3}~~4. Section **26B-1-243** is enacted to read:

26B-1-243. Office of Families -- Definitions -- ~~{Creation --}~~ Director -- Purpose and duties.

(1) As used in this section:

(a) "Director" means the director of the office appointed under Subsection (~~{3}~~2).

(b) "Office" means the Office of Families ~~{created in Subsection (2)}~~.

~~(2) There is created within the department the Office of Families.~~

~~(~~{3}~~2) (a) The governor shall appoint a director of the office.~~

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

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

~~(~~{4}~~3) The director is the administrative head of the office and shall serve as an advisor to the governor on family issues.~~

~~(~~{5}~~4) The office shall:~~

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

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

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

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

~~(~~{6}~~5) As necessary, the director may request staff and administrative support from the department.~~

~~(~~{7}~~6) The office may:~~

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

~~(b) as allowed by state and federal law, request data or information from other~~

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governmental entities that is relevant to the office's duties.

Section ~~{4}~~5. **Effective date.**

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

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