

Division of Licensing and Background Checks (DLBC) *Administrative rules overview*

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LINK to public folder

This webinar is being recorded.

Welcome and introductions

DLBC introductions



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Goals of today's rules overview:

For DLBC providers and partner organizations:

1. Provide an overview of the administrative rules (rules) procedures to increase provider and external partner understanding of the DLBC rule procedure.
 2. Introduce the DLBC Rulewriting Team and share contact information.
 3. Offer the opportunity to ask any question related to rules.
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Brief overview of DLBC



- DLBC protects the vulnerable populations of Utah. DLBC licenses foster care, child care, human services, and health facility programs using rules and requirements that have been created with community support. Center for Medical Cannabis supports Utahns in using medical cannabis safely.
- DLBC website link: <https://dlbc.utah.gov/>
- DLBC is comprised of three offices:
 - Center for Medical Cannabis
 - Office of Background Processing
 - Office of Licensing
- DLBC is responsible for **79 rules** across all three offices within the division!

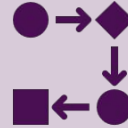
Norms for our time together



Be present



**Be open to building
your understanding of
administrative rules**



**Be forward thinking,
the past is in the past,
we are moving forward**



Ask questions

DLBC rule writing team



- Kamille Sheikh – all DLBC rules and oversees Rulewriting Team
- Jeremiah Sniffin – DLBC Center for Medical Cannabis and Office of Licensing rules
- Jada Stelmach – DLBC Office of Background Processing and Office of Licensing rules

DLBC rules breakdown

DLBC office	Number of rules	Helpful details
Center for Medical Cannabis rules	8	Includes rules that implement the Medical Cannabis Card Program
Department rules	3	-Department Provider Code of Conduct -Department Licensing General Provisions -Department Employee Background Check
Office of Licensing - Child care rules	7	Includes rules for multiple child care settings
Office of Licensing - Health facilities rules	44	-Health facility employee background check rule -Health facility construction rules
Office of Licensing - Human services rules	17	-Human services program employee background check rule -New human services rules: Residential treatment, congregate care, Residential support, homeless facilities, and 23-Hour behavioral health receiving centers
TOTAL	79	

Some helpful terms:

- **Statute** is a formal, written law passed by a legislative body.
 - **An administrative rule (rule)** is a written statement explicitly or implicitly required by law that implements or interprets state or federal law; and applies to a class of persons or another agency.
 - **An amendment** is any change to a rule.
 - **Five-Year Rule Review** is the process to review all administrative rules every five years to ensure the rule is still needed.
 - **Office of Administrative Rules (OAR)** supports state agencies with their rules and publishes new rules and rule changes in Utah State Bulletin. They also manage the OAR website and eRules system.
 - **Utah State Bulletin** is the official publication of OAR of all proposed new rules and rule changes; two volumes are posted each month.
 - **The Rulewriting Manual for Utah** is the guide drafting, editing, and filing rules with the Office of Administrative Rules.
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**DLBC is committed to
collaborating on new
rules or rule changes**

DLBC collaboration for new rules or rule changes

- All state agencies are reviewing rules to ensure any rule is clear, simple, and easy to understand, as well as reduce the regulatory burden on provider groups.
- DLBC gathered feedback from providers, staff, and partner groups on any DLBC rule.
- Based on this rule review, the DLBC leader and rulewriting teams are working to address the feedback and begin rule changes and new rules in 2026 and beyond.
- DLBC has developed multiple Resource Manuals and Frequently Asked Questions for providers, partners, and the public.

DLBC is committed to engaging our providers and partners in the process!

Purpose of rules

Rules 101

- **An administrative rule (rule) is a piece of regulation** authorized by statute that **governs a specific aspect of a government program**. Rules have the same effect and consequences as law.
- The **Utah Legislature through statute grants** our department **rulemaking authority**, allowing **the department to to make administrative rules** with full power of law.
- This **rulemaking** authority allows us to **create new rules, change rules, or repeal rules**.
- DLBC rules **focus on basic health and safety standards** for the facility types the division regulates, including child care, health, and human services facilities. **Health and safety standards are the foundation of quality and protecting vulnerable populations**.
 - Center for Medical Cannabis rules focus on supporting medical cannabis card holders and research.
- Statute (written law) acts an umbrella, **giving us both rulemaking authority and broad authority to enforce any requirement** for facilities our division regulates.

Sources: Utah Division of Archives and Records Service and Utah Office of Administrative Rules

**Rules implement or
interpret statute.**

DLBC rules in action

- DLBC rules are central to standard operating procedures (SOPs) for staff and partner agencies
- SOPs are used as basis for provider Resource Manuals and Frequently Asked Questions (FAQs)
- To ensure fidelity to implementation of policies, procedures, and rules, DLBC reviews:
 - SOPs, Resource Manuals, FAQs, and Quality Assurance Plan annually
 - Policies every 3 years
 - Rules every 5 years, at a minimum

New rule or rule change procedure

New rules or rule change – the “why”

- Legislative action (a bill or statute change)
- Required action from DLBC leadership or legal counsel
- Internal discussions from a Five-Year Rule Review
- Feedback from providers, staff, partner organizations, or members of the public

How does DLBC keep providers and partners “in the know” about rules?

- **DLBC works with statutorily-required committees and boards to review and approve any proposed new rule or rule change:**
 - Child Care Provider Licensing Committee – click [HERE](#) for more details
 - Congregate Care Advisory Committee - click [HERE](#) for more details
 - Health Facility Committee – click [HERE](#) for more details
 - Medical Cannabis Policy Advisory Board - click [HERE](#) for more details
- **Additionally, DLBC engages provider collaboration groups and other partners during the process for any significant rule change or new rule**
- **DLBC sends out notifications to providers when:**
 - A proposed rule change or new rule is published in the Utah State Bulletin and open for public comment
 - A proposed rule change or new rule will be made effective

Rule formatting and style

Anatomy of a rule

Title catchline includes the facility type the rule includes, either child care, health facility, or human services licensing/certification.

R432. Health and Human Services, Health Care Facility Licensing.

R432-100. General Hospital Stand.

R432-100-1. Authority and Purpose.

(1) Section 26B-2-202 authorizes this rule.

(2)(a) This rule promotes public health and welfare through the establishment and enforcement of licensure standards.

(b) This rule sets standards for the construction and operation of a general hospital. The standards of patient care apply to inpatient, outpatient, and satellite services.

R432-100-40. Penalties.

Any person who violates this rule may be subject to the penalties in Rule R380-600 and Title 26B, Chapter 2, Part 7, Penalties and Investigations.

KEY: health care facilities

Date of Last Change: June 26, 2025

Notice of Continuation: August 22, 2025

Authorizing, and Implemented or Interpreted Law: 26B-1-202; 26B-2-104; 26B-2-202

The intent is to use plain language in any rule while following the Rulewriting Manual for Utah. The Rulewriting team always happy to address any clarifying question from providers, partners, or the public.

Authority and Purpose section includes the statute that authorizes rule and the general purpose, usually establishing standards for a provider type.

This statute reference includes penalties DLBC may utilize.

This is the date of the last rule change. The notice of continuation refers to the last Five-Year Rule Review, any rule is required to be reviewed every five years.

New rule or rule changes

R501. Health and Human Services, Administration, Administrative Services, Licensing.

R501-18. Recovery Residence Services.

R501-18-1. Authority.

Sections 26B-2-104 and 26B-2-117 authorize this rule.

R501-18-2. Purpose.

This rule establishes:

- (1) Basic health and safety standards for recovery residences; and
- (2) Minimum administration requirements.

R501-18-3. Definitions.

(1) "Currently Enrolled Client" is an individual who is a participatory resident of the sober living environment of a recovery residence and is also referred to as client in Title R501.

(2) "Provider" means the same as licensee as defined in Section 26B-2-101.

(3) "Deemed site" means the same as defined in Section 26B-2-110.

(4) "Good standing" means the same as defined in Section 26B-2-110.

([3]5) "Recovery Residence" is defined in Section 26B-2-101 [and], is also referred to as sober living^[-], and does not mean a residential vocational or life skills program.

(6) "Medication assisted treatment" means the same as defined in Section 26B-2-101 and means prescribed by a licensed health care provider.

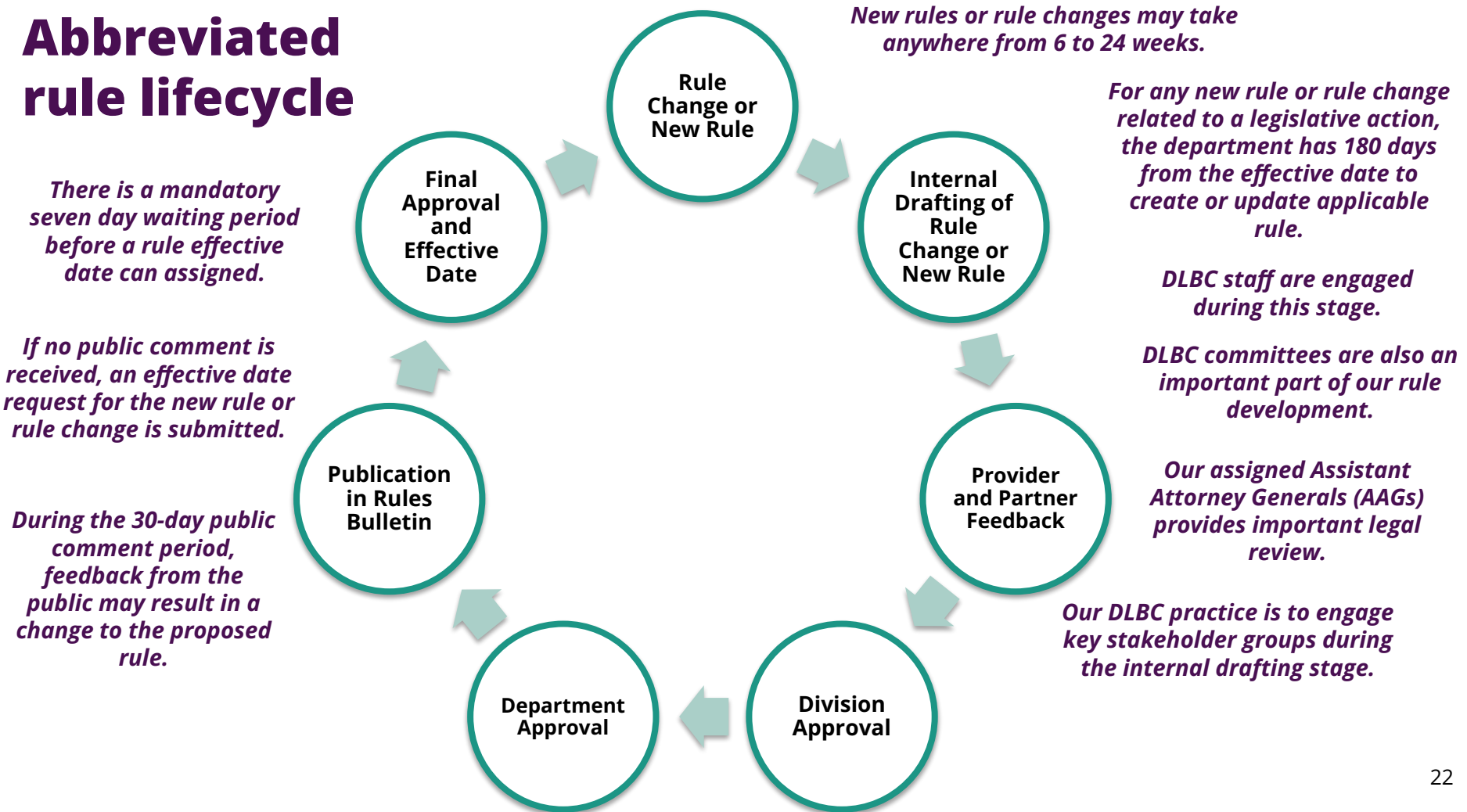
(7) "Mental health treatment program" means the same as defined in 26B-2-101.

(8) "Qualifying recovery residence" means the same as defined in Section 26B-2-101.

**New rule content is underlined
and content to be deleted is
bracketed + includes a
strikethrough:**

***A licensee ~~[may]~~shall submit to
Office of Licensing their business
license.***

Abbreviated rule lifecycle



New rule or rule change stages

First stage

- ✓ A new rule or rule change is needed. This can be prompted by legislative action, leadership or legal instruction, or staff, provider, or partner feedback.
- ✓ The rulewriter begins to draft the rule and completes the OAR Rule Analysis Form. The draft is shared internally for review and approval.
- ✓ The next step is to share with partner groups and any applicable committee or board.

Second stage

- ✓ After committee and partner review, the rulewriter incorporates feedback and sends draft rule for division review and approval.
- ✓ There may be back and forth edits with the DHHS Rule Coordinator and OAR Outreach Coordinator.
- ✓ The Rules Coordinator sends proposed new rule or rule change for DHHS leadership review and approval.

Third stage

- ✓ After final DHHS leadership approval, the rule is published in the Rules Bulletin and is open for a 30-day public comment period.
- ✓ DLBC sends out staff, provider, and partner message when proposed new rule or rule changes is published.
- ✓ DLBC is required to review and respond to any public comment, this may require a change to the new rule or proposed change.

Fourth stage

- ✓ During this stage, DLBC will either incorporate public feedback or if no public comment is received, submit to DHHS leadership for an effective date. There is a required seven day waiting period after the 30-day public comment period.
- ✓ The rulewriter works with the DLBC team determine the best effective date.
- ✓ DLBC sends out messaging to staff, providers, and partners when rule is made effective.

Additional resources

- [Link](#) to statute related to OL and OBP rules
- [Link](#) to DLBC child care rules
- [Link](#) to DLBC health facility rules
- [Link](#) to DLBC human services rules
- [Link](#) to statute related to DLBC CMC rules
- [Link](#) to DLBC CMC rules
- [Rule search - Office of Administrative Rules](#)
- [Office of Administrative Rule resources](#)
- [Utah State Rules Bulletin](#)

ADMINISTRATIVE RULES SEARCH

Search

R432-100

☒ Current Rules

☐ Emergency Rules

☐ Expired Emergency Rules

☒ Superseded Rules

☐ Repealed Rules

☐ Proposed Rules

Question and answer time

Wrap-up and request for feedback

- This webinar is being recorded and will be added to the DLBC website and sent out to all providers and partner organizations.
- For any rule question or follow-up, contact Kamille Sheikh, DLBC Rules Program Administrator at kamillesheikh@utah.gov or 385-227-1290.
- Please consider taking a brief survey feedback survey on this webinar and how DLBC can improve efforts to engage providers and partners in the rule process:

**QR code or link to feedback
survey:**

https://utahdhs.iad1.qualtrics.com/jfe/form/SV_7UTr89T5DauUftQ



**Take picture with your phone to
open feedback survey using the
QR code**