

IN THE SENATE

SENATE BILL NO. 1024

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES; AMENDING
2 SECTION 16-2403, IDAHO CODE, TO DEFINE TERMS AND TO MAKE A TECHNICAL
3 CORRECTION; AMENDING CHAPTER 24, TITLE 16, IDAHO CODE, BY THE ADDITION
4 OF A NEW SECTION 16-2406A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARD-
5 ING DETERMINATION OF ELIGIBILITY FOR MENTAL HEALTH SERVICES; AMENDING
6 SECTION 39-302, IDAHO CODE, TO DEFINE TERMS AND TO MAKE A TECHNICAL COR-
7 RECTION; AMENDING CHAPTER 3, TITLE 39, IDAHO CODE, BY THE ADDITION OF
8 A NEW SECTION 39-305A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
9 QUALIFIED SUBSTANCE USE DISORDERS PERSONNEL; AMENDING CHAPTER 3, TITLE
10 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-305B, IDAHO CODE,
11 TO ESTABLISH PROVISIONS REGARDING QUALIFIED SUBSTANCE USE DISORDERS
12 PROFESSIONAL TRAINEES; AMENDING CHAPTER 3, TITLE 39, IDAHO CODE, BY THE
13 ADDITION OF A NEW SECTION 39-305C, IDAHO CODE, TO ESTABLISH PROVISIONS
14 REGARDING WAIVER OF CRIMINAL HISTORY AND BACKGROUND CHECKS; REPEAL-
15 ING SECTION 39-306, IDAHO CODE, RELATING TO ACCEPTANCE FOR TREATMENT
16 RULES; AMENDING CHAPTER 3, TITLE 39, IDAHO CODE, BY THE ADDITION OF
17 A NEW SECTION 39-306, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
18 ELIGIBILITY SCREENING, CLINICAL ASSESSMENT, AND ELIGIBILITY DETERMI-
19 NATION; AMENDING CHAPTER 3, TITLE 39, IDAHO CODE, BY THE ADDITION OF A
20 NEW SECTION 39-306A, IDAHO CODE, TO PROVIDE FOR SELECTION OF SERVICE
21 PROVIDERS; AMENDING CHAPTER 3, TITLE 39, IDAHO CODE, BY THE ADDITION OF
22 A NEW SECTION 39-306B, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
23 RESIDENTIAL TREATMENT SERVICES; AMENDING SECTION 39-309, IDAHO CODE,
24 TO REVISE PROVISIONS REGARDING PAYMENT FOR TREATMENT; AMENDING SECTION
25 39-3122, IDAHO CODE, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORREC-
26 TION; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A
27 NEW SECTION 39-3131A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
28 ADULT MENTAL HEALTH SERVICES ELIGIBILITY SCREENING; AMENDING CHAPTER
29 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3141, IDAHO
30 CODE, TO ESTABLISH PROVISIONS REGARDING WAIVER OF BACKGROUND CHECK DE-
31 NIAL; PROVIDING THAT CERTAIN ADMINISTRATIVE RULES CONTAINED IN IDAPA
32 16.07.17 SHALL BE NULL, VOID, AND OF NO FORCE AND EFFECT; PROVIDING THAT
33 CERTAIN ADMINISTRATIVE RULES CONTAINED IN IDAPA 16.07.33 SHALL BE NULL,
34 VOID, AND OF NO FORCE AND EFFECT; PROVIDING THAT CERTAIN ADMINISTRATIVE
35 RULES CONTAINED IN IDAPA 16.07.37 SHALL BE NULL, VOID, AND OF NO FORCE
36 AND EFFECT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
37

38 Be It Enacted by the Legislature of the State of Idaho:

39 SECTION 1. That Section 16-2403, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 16-2403. DEFINITIONS. As used in this chapter:

1 (1) "Child" means an individual less than eighteen (18) years of age and
2 not emancipated by either marriage or legal proceeding.

3 (2) "Consistent with the least restrictive alternative principle"
4 means that services are delivered in the setting that places the fewest
5 restrictions on the personal liberty of the child and that provides the
6 greatest integration with individuals who do not have disabilities, in typi-
7 cal and age-appropriate school, community and family environments, which is
8 consistent with safe, effective and cost-effective treatment for the child
9 and family.

10 (3) "Department" means the department of health and welfare.

11 (4) "Designated examiner" means a psychiatrist, psychologist, psychi-
12 atric nurse, or social worker and such other mental health professionals as
13 may be designated in accordance with rules promulgated pursuant to the pro-
14 visions of chapter 52, title 67, Idaho Code, by the department of health and
15 welfare. Any person designated by the department director will be specially
16 qualified by training and experience in the diagnosis and treatment of men-
17 tal or mentally related illnesses or conditions.

18 (5) "Director" means the director of the state department of health and
19 welfare.

20 (6) "Eligibility screening" means the collection and review of infor-
21 mation directly related to the applicant's mental health and level of func-
22 tioning that the department uses to determine whether an applicant is eligi-
23 ble for children's mental health services available through the department.

24 ~~(6)~~ (7) "Emergency" means a situation in which the child's condition,
25 as evidenced by recent behavior, poses a significant threat to the health or
26 safety of the child, his family or others, or poses a serious risk of sub-
27 stantial deterioration in the child's condition which cannot be eliminated
28 by the use of supportive services or intervention by the child's parents, or
29 mental health professionals, and treatment in the community while the child
30 remains in his family home.

31 ~~(7)~~ (8) "Informed consent to treatment" means a knowing and voluntary
32 decision to undergo a specific course of treatment, evidenced in writing,
33 and made by an emancipated child, or a child's parent, or guardian, who has
34 the capacity to make an informed decision, after the staff of the facility or
35 other provider of treatment has explained the nature and effects of the pro-
36 posed treatment.

37 ~~(8)~~ (9) "Involuntary treatment" means treatment, services and place-
38 ment of children provided without consent of the parent of a child, under the
39 authority of a court order obtained pursuant to this chapter, as directed by
40 an order of disposition issued by a designated employee of the department of
41 health and welfare under section 16-2415, Idaho Code.

42 ~~(9)~~ (10) "Lacks capacity to make an informed decision concerning treat-
43 ment" means that the parent is unable to understand the nature and effects
44 of hospitalization or treatment, or is unable to engage in a rational de-
45 cision-making process regarding such hospitalization or treatment, as ev-
46 idenced by an inability to weigh the risks and benefits, despite conscien-
47 tious efforts to explain them in terms that the parent can understand.

48 ~~(10)~~ (11) "Likely to cause harm to himself or to suffer substantial men-
49 tal or physical deterioration" means that, as evidenced by recent behavior,
50 the child:

1 (a) Is likely in the near future to inflict substantial physical injury
2 upon himself;

3 (b) Is likely to suffer significant deprivation of basic needs such as
4 food, clothing, shelter, health or safety; or

5 (c) Will suffer a substantial increase or persistence of symptoms of
6 mental illness or serious emotional disturbance which is likely to re-
7 sult in an inability to function in the community without risk to his
8 safety or well-being or the safety or well-being of others, and which
9 cannot be treated adequately with available home and community-based
10 outpatient services.

11 ~~(11)~~ (12) "Likely to cause harm to others" means that, as evidenced by
12 recent behavior causing, attempting, or threatening such harm with the ap-
13 parent ability to complete the act, a child is likely to cause physical in-
14 jury or physical abuse to another person.

15 (13) "Parent" means a person who, by birth or through adoption, is con-
16 sidered legally responsible for a child. The term "guardian" is not included
17 in the definition of parent.

18 ~~(12)~~ (14) "Protection and advocacy system" means the agency designated
19 by the governor as the state protection and advocacy system pursuant to 42
20 U.S.C. 6042 and 42 U.S.C. 10801 et seq.

21 ~~(13)~~ (15) "Serious emotional disturbance" means a diagnostic and
22 statistical manual of mental disorders (DSM) diagnosable mental health,
23 emotional or behavioral disorder, or a neuropsychiatric condition which
24 results in a serious disability, and which requires sustained treatment in-
25 terventions, and causes the child's functioning to be impaired in thought,
26 perception, affect or behavior. A disorder shall be considered to "result in
27 a serious disability" if it causes substantial impairment of functioning in
28 family, school or community that is measured by and documented through the
29 use of a standardized instrument approved by the department and conducted or
30 supervised by a qualified clinician. A substance abuse disorder does not, by
31 itself, constitute a serious emotional disturbance, although it may coexist
32 with serious emotional disturbance.

33 ~~(14)~~ (16) "Special therapy" means any treatment modality used to treat
34 children with serious emotional disturbances which is subject to restric-
35 tions or special conditions imposed by the department of health and welfare
36 rules.

37 ~~(15)~~ (17) "Surrogate parent" means any person appointed to act in the
38 place of the parent of a child for purposes of developing an individual edu-
39 cation program under the authority of the individuals with disabilities edu-
40 cation act, 20 U.S.C. 1400 et seq., as amended.

41 ~~(16)~~ (18) "Teens at risk" means individuals attending Idaho secondary
42 public schools who have been identified as expressing or exhibiting indi-
43 cations of depression, suicidal inclination, emotional trauma, substance
44 abuse or other behaviors or symptoms that indicate the existence of, or that
45 may lead to, the development of mental illness or substance abuse.

46 ~~(17)~~ (19) "Treatment facility" means a facility or program meeting ap-
47 plicable licensing standards that has been approved for the provisions of
48 services under this chapter by the department of health and welfare.

1 SECTION 2. That Chapter 24, Title 16, Idaho Code, be, and the same is
 2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 3 ignated as Section 16-2406A, Idaho Code, and to read as follows:

4 16-2406A. DETERMINATION OF ELIGIBILITY FOR MENTAL HEALTH SER-
 5 VICES. (1) Individuals may access children's mental health services admin-
 6 istered by the department through an eligibility screening. The eligibility
 7 screening must be directly related to the individual's mental illness and
 8 level of functioning and must be based on the eligibility criteria described
 9 in this section.

10 (2) The total number of children who are eligible for mental health ser-
 11 vices shall be established by the department. The department may, in its
 12 sole discretion, limit or prioritize mental health services, define eligi-
 13 bility criteria, or establish the number of persons eligible based on such
 14 factors as court-ordered services, availability of funding, the degree of
 15 financial need, or the degree of clinical need.

16 (3) To be eligible for voluntary children's mental health services, the
 17 individual must:

18 (a) Be under eighteen (18) years of age;

19 (b) Reside within the state of Idaho;

20 (c) Have a DSM-5-TR mental health diagnosis. A substance use disorder
 21 alone or a developmental disorder alone does not constitute an eligible
 22 mental health diagnosis, although one (1) or more of these conditions
 23 may coexist with an eligible mental health diagnosis; and

24 (d) Have a substantial functional impairment as assessed by using the
 25 department's approved tool.

26 SECTION 3. That Section 39-302, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 39-302. DEFINITIONS. As used in this chapter, the terms defined in
 29 this section shall have the following meanings, unless the context clearly
 30 indicates another meaning:

31 (1) "Addiction" or "alcoholism" means a primary, chronic, neurobiolog-
 32 ical disease with genetic, psychosocial and environmental factors influenc-
 33 ing its development and manifestations. It is characterized by behaviors
 34 that include one (1) or more of the following: impaired control over drug or
 35 alcohol use, compulsive use, continued use despite harm, and craving.

36 (2) "Adolescent" means an individual twelve (12) years through seven-
 37 teen (17) years of age.

38 (3) "Adult" means an individual eighteen (18) years of age or older.

39 ~~(2)~~ (4) "Alcoholic" means a person who has the disease of alcoholism,
 40 which is characterized by behaviors that include one (1) or more of the fol-
 41 lowing: impaired control over alcohol use, compulsive use, continued use
 42 despite harm, and craving.

43 ~~(3)~~ (5) "Approved private treatment facility" means a private agency
 44 meeting the standards prescribed in section 39-305(1), Idaho Code, and ap-
 45 proved under the provisions of section 39-305(3), Idaho Code, and rules pro-
 46 mulgated by the board of health and welfare pursuant to this chapter.

47 ~~(4)~~ (6) "Approved public treatment facility" means a treatment agency
 48 operating under the provisions of this chapter through a contract with the

1 department of health and welfare pursuant to section 39-304(7), Idaho Code,
 2 and meeting the standards prescribed in section 39-305(1), Idaho Code, and
 3 approved pursuant to section 39-305(3), Idaho Code, and rules promulgated by
 4 the board of health and welfare pursuant to this chapter.

5 (7) "ASAM" means the manual of patient placement criteria for the
 6 treatment of substance-related disorders published by the American society
 7 of addiction medicine.

8 ~~(5)~~ (8) "Department" means the Idaho department of health and welfare.

9 ~~(6)~~ (9) "Director" means the director of the Idaho department of health
 10 and welfare.

11 ~~(7)~~ (10) "Drug addict" means a person who has the disease of addiction,
 12 which is characterized by behaviors that include one (1) or more of the fol-
 13 lowing: impaired control over drug use, compulsive use, continued use de-
 14 spite harm, and craving.

15 (11) "Eligibility screening" means the collection and review of in-
 16 formation directly related to the individual's substance use and level of
 17 functioning that the department uses to determine whether an individual is
 18 eligible for adult or adolescent substance use disorder services available
 19 through the department.

20 (12) "Idaho board of alcohol/drug counselor certification" or "IBADCC"
 21 means an entity affiliated with the international certification reciprocity
 22 consortium (ICRC) recognized by the department to oversee credentialing of
 23 Idaho student of addiction studies and certified alcohol/drug counselors in
 24 the state of Idaho.

25 ~~(8)~~ (13) "Incapacitated by alcohol or drugs" means that a person, as a
 26 result of the use of alcohol or drugs, is unconscious or has his judgment oth-
 27 erwise so impaired that he is incapable of realizing and making a rational
 28 decision with respect to his need for treatment.

29 ~~(9)~~ (14) "Incompetent person" means a person who has been adjudged in-
 30 competent by an appropriate court within this state.

31 ~~(10)~~ (15) "Intoxicated person" means a person whose mental or physical
 32 functioning is substantially impaired as a result of the use of drugs or al-
 33 cohol.

34 (16) "Licensed professional" means a person who holds an active license
 35 or registration with the applicable jurisdiction for the profession and pro-
 36 vides services within the practice authority for the applicable profession
 37 consistent with the laws and regulations of the state where services are pro-
 38 vided and consistent with the applicable standard of care.

39 (17) "National certification commission for addiction professionals"
 40 or "NCCAP" means an entity recognized by the department to provide counselor
 41 certification and endorsements in the state of Idaho.

42 (18) "Priority population" means individuals who receive services
 43 ahead of other persons. Priority populations are determined yearly by the
 44 department and align with federally mandated priorities.

45 ~~(11)~~ (19) "Recovery support services" means those ancillary, nonclin-
 46 ical services needed for a client to maintain substance abuse or addiction
 47 recovery. These services may include transportation, childcare, drug test-
 48 ing, safe and sober housing and care management.

49 ~~(12)~~ (20) "Substance abuse" means the misuse or excessive use of alcohol
 50 or other drugs or substances.

1 ~~(13)~~ (21) "Treatment" means the broad range of emergency, outpatient,
2 intensive outpatient, and inpatient services and care, including diagnostic
3 evaluation, medical, psychiatric, psychological, and social service care,
4 and vocational rehabilitation and career counseling, which may be extended
5 to alcoholics and intoxicated persons and/or drug addicts.

6 SECTION 4. That Chapter 3, Title 39, Idaho Code, be, and the same is
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
8 ignated as Section 39-305A, Idaho Code, and to read as follows:

9 39-305A. QUALIFIED SUBSTANCE USE DISORDERS PERSONNEL. Each behav-
10 ioral health program providing substance use disorders services shall
11 employ the number and variety of staff needed to provide the services and
12 treatments offered by the program as a multidisciplinary team. The program
13 shall employ at least one (1) qualified substance use disorders professional
14 for each behavioral health program location. For purposes of this section,
15 "qualified substance use disorders professional" means an IBADCC-certified
16 alcohol/drug counselor, an IBADCC-certified advanced alcohol/drug coun-
17 selor, a master addictions counselor certified by the national board for
18 certified counselors or the NCCAP, or a licensed professional.

19 SECTION 5. That Chapter 3, Title 39, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 39-305B, Idaho Code, and to read as follows:

22 39-305B. QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL
23 TRAINEES. (1) Prior to beginning work, a qualified substance use disorders
24 professional trainee practicing in the provision of substance use disorders
25 services shall possess either:

26 (a) A substance use disorder associate certification; or
27 (b) Formal documentation of current enrollment in a program for any li-
28 censed professional consistent with section 39-305A, Idaho Code.

29 (2) An individual who has completed a certification program described
30 in section 39-305A, Idaho Code, and is awaiting licensure may continue as a
31 qualified substance use disorders professional trainee at the same agency
32 for a period of six (6) months from the date of program completion.

33 SECTION 6. That Chapter 3, Title 39, Idaho Code, be, and the same is
34 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
35 ignated as Section 39-305C, Idaho Code, and to read as follows:

36 39-305C. WAIVER OF CRIMINAL HISTORY AND BACKGROUND CHECK. (1) Anyone
37 who receives an unconditional denial or a denial after an exemption review by
38 the department may apply for a behavioral health waiver to provide substance
39 use disorder treatment or recovery support services.

40 (2) A person seeking a waiver pursuant to subsection (1) of this sec-
41 tion may work or have access to participants only under supervision until the
42 waiver request is processed and approved.

43 SECTION 7. That Section 39-306, Idaho Code, be, and the same is hereby
44 repealed.

1 SECTION 8. That Chapter 3, Title 39, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 39-306, Idaho Code, and to read as follows:

4 39-306. ELIGIBILITY SCREENING -- CLINICAL ASSESSMENT -- ELIGIBILITY
5 DETERMINATION. (1) Individuals may access substance use disorder services
6 administered by the department through an eligibility screening. The eli-
7 gibility screening shall be directly related to the individual's substance-
8 related disorder and level of functioning, and shall include questions about
9 the individual's substance use, substance use history, and income and living
10 situation.

11 (2) Once an individual is found eligible for substance use disorder
12 services, the individual will be authorized to receive a clinical assessment
13 from a treatment provider in the department's substance use disorder ser-
14 vices network to determine ASAM level of care.

15 (3) The department may limit or prioritize adult or adolescent sub-
16 stance use disorder services, impose income limits, define eligibility
17 criteria, and establish the number of persons eligible based on such factors
18 as court-ordered services, availability of funding, the degree of financial
19 need, or the degree of clinical need. To be eligible for substance use disor-
20 der services, an individual must:

- 21 (a) Be an adult or adolescent with family income at or below federal
22 poverty guidelines established by the department;
23 (b) Be a resident of the state of Idaho;
24 (c) Be a member of a priority population;
25 (d) Meet diagnostic criteria for a substance-related disorder as de-
26 scribed in the DSM-5; and
27 (e) Meet specifications in each of the ASAM dimensions required for the
28 recommended level of care.

29 SECTION 9. That Chapter 3, Title 39, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 39-306A, Idaho Code, and to read as follows:

32 39-306A. SELECTION OF SERVICE PROVIDERS. A participant who is eligi-
33 ble for substance use disorder services may choose a service provider that is
34 in the contracted substance use disorder provider network. Treatment ser-
35 vices must be within the recommended level of care according to ASAM based on
36 the individual's needs identified in the clinical assessment and resulting
37 individualized service plan.

38 SECTION 10. That Chapter 3, Title 39, Idaho Code, be, and the same is
39 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
40 ignated as Section 39-306B, Idaho Code, and to read as follows:

41 39-306B. RESIDENTIAL TREATMENT SERVICES. Any contractor with the de-
42 partment providing residential treatment services under this chapter must
43 be nationally accredited by the commission on accreditation of rehabilita-
44 tion facilities and have an ASAM level of care certification, which verifies
45 the program's capacity to deliver services consistent with level III ASAM
46 standards of care.

1 SECTION 11. That Section 39-309, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 39-309. PAYMENT FOR TREATMENT -- FINANCIAL ABILITY OF PATIENTS. (1) An
4 individual receiving substance use disorder services through the department
5 shall be responsible for paying for the services received. The financial re-
6 sponsibility for each service shall be based on the individual's ability to
7 pay as determined by the department.

8 ~~(1)~~ (2) If treatment is provided by an approved public treatment fa-
9 cility and the patient has not paid the charge ~~therefor~~ for the treatment,
10 the department is entitled to any income or payment received by the patient
11 or to which he may be entitled for the services rendered, and to any payment
12 from any public or private source available to the department because of the
13 treatment provided to the patient.

14 ~~(2)~~ (3) A patient in an approved treatment facility, or the estate of
15 the patient, or a person obligated to provide for the cost of treatment and
16 having sufficient financial ability, is liable to the department for the
17 cost of transportation, maintenance and treatment of the patient therein in
18 accordance with rates established by the department.

19 ~~(3)~~ (4) The board of health and welfare ~~shall~~ may adopt rules and reg-
20 ulations governing financial ability that take into consideration the in-
21 come, savings and other personal and real property of the person required to
22 pay, as well as any support being furnished by him to any person whom he may be
23 required by law to support.

24 SECTION 12. That Section 39-3122, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 39-3122. DEFINITIONS. (1) "Adult" means an individual eighteen (18)
27 years of age or older.

28 (2) "Applicant" means an adult who is seeking mental health services
29 through the department who has completed, or has had completed on the adult's
30 behalf, an application for mental health services.

31 ~~(1)~~ (3) "Behavioral health" means an integrated system for evaluation
32 and treatment of mental health and substance use disorders.

33 (4) "Department" means the Idaho department of health and welfare.

34 (5) "Eligibility screening" means the collection and review of infor-
35 mation directly related to the applicant's mental health and level of func-
36 tioning that the department uses to determine whether an applicant is eligi-
37 ble for adult mental health services available through the department.

38 ~~(2)~~ (6) "Family support partner" means an individual who:

39 (a) Has lived experience caring for a child with a behavioral health di-
40 agnosis, mental illness or mental illness with a co-occurring substance
41 use disorder;

42 (b) Has specialized training related to such care; and

43 (c) Has successfully navigated the various systems of care.

44 (7) "Participant" means a person who is receiving mental health ser-
45 vices through the department.

46 ~~(3)~~ (8) "Peer support specialist" means an individual in recovery from
47 mental illness or mental illness with a co-occurring substance use disorder

1 who uses his or her lived experience and specialized training to assist other
2 individuals in their own recovery.

3 ~~(4)~~ (9) "Recovery coach" means an individual who has lived experience
4 of recovery from a substance use disorder or co-occurring mental illness,
5 either as a person in recovery or as a family member or significant other who
6 uses his or her lived experience and specialized training to assist other in-
7 dividuals in their own recovery.

8 ~~(5)~~ (10) "Region" means the administrative regions as defined by the de-
9 partment of health and welfare. Two (2) or more regions may consolidate for
10 the purposes of this chapter. For the purposes of this chapter, regions will
11 be consistent with judicial districts.

12 (11) "Serious mental illness" or "SMI" means any of the following psy-
13 chiatric illnesses as defined by the American psychiatric association in the
14 diagnostic and statistical manual of mental disorders (DSM-5-TR):

- 15 (a) Schizophrenia spectrum and other psychotic disorders;
- 16 (b) Bipolar disorders (mixed, manic, or depressive);
- 17 (c) Major depressive disorders (single episode or recurrent); or
- 18 (d) Obsessive-compulsive disorders.

19 (12) "Serious and persistent mental illness" or "SPMI" means a primary
20 diagnosis under DSM-5-TR of schizophrenia, schizoaffective disorder, bipo-
21 lar I disorder, bipolar II disorder, major depressive disorder recurrent
22 severe, delusional disorder, or psychotic disorder not otherwise specified
23 for a maximum of one hundred twenty (120) days without a conclusive diag-
24 nosis. The psychiatric disorder must be of sufficient severity to cause a
25 substantial disturbance in role performance or coping skills in at least two
26 (2) of the following functional areas in the last six (6) months:

- 27 (a) Vocational or educational;
- 28 (b) Financial;
- 29 (c) Social relationships or support;
- 30 (d) Family;
- 31 (e) Basic daily living skills;
- 32 (f) Housing;
- 33 (g) Community or legal; or
- 34 (h) Health or medical.

35 ~~(6)~~ (13) "Supportive services" means ancillary ~~non-clinical~~
36 ~~nonclinical~~ services provided as part of community family support and
37 recovery support to promote and sustain the ability of individuals with
38 behavioral health disorders to live in the community and avoid institu-
39 tionalization. Supportive services include services provided by a family
40 support partner, peer support specialist or recovery coach.

41 SECTION 13. That Chapter 31, Title 39, Idaho Code, be, and the same is
42 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
43 ignated as Section 39-3131A, Idaho Code, and to read as follows:

44 39-3131A. ELIGIBILITY SCREENING. (1) Individuals may access adult
45 mental health services administered by the department through an eligibil-
46 ity screening. The eligibility screening must be directly related to the
47 participant's mental illness and level of functioning and based on the eli-
48 gibility criteria described in this section.

1 (2) The department may limit or prioritize mental health services, de-
2 fine eligibility criteria, or establish the number of persons eligible based
3 on such factors as court-ordered services, availability of funding, the de-
4 gree of financial need, or the degree of clinical need.

5 (3) To be eligible for voluntary mental health services pursuant to
6 section 39-3131, Idaho Code, an individual must:

7 (a) Be an adult;

8 (b) Be a resident of the state of Idaho; and

9 (c) Have a primary diagnosis of SMI or SPMI.

10 SECTION 14. That Chapter 31, Title 39, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 39-3141, Idaho Code, and to read as follows:

13 39-3141. WAIVER OF BACKGROUND CHECK DENIAL. A certified individual
14 who is seeking to provide peer support specialist, family support partner,
15 or recovery coach services and receives an unconditional denial or a denial
16 after an exemption review by the department may apply for a behavioral health
17 waiver.

18 SECTION 15. The rules contained in IDAPA 16.07.17, Idaho Department of
19 Health and Welfare, relating to Substance Use Disorders Services, shall be
20 null, void, and of no force and effect on and after July 1, 2025.

21 SECTION 16. The rules contained in IDAPA 16.07.33, Idaho Department of
22 Health and Welfare, relating to Adult Mental Health Services, shall be null,
23 void, and of no force and effect on and after July 1, 2025.

24 SECTION 17. The rules contained in IDAPA 16.07.37, Idaho Department of
25 Health and Welfare, relating to Children's Mental Health Services, shall be
26 null, void, and of no force and effect on and after July 1, 2025.

27 SECTION 18. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2025.