

1 **MENTAL HEALTH TREATMENT ACCESS AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Todd Weiler

6 Cosponsors: Susan Duckworth

7 Cheryl K. Acton

8

9 **LONG TITLE**

10 **General Description:**

11 This bill modifies and enacts provisions relating to mental health treatment access.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ requires the Forensic Mental Health Coordinating Council, in consultation with the

16 Utah Substance Use and Mental Health Advisory Council, to study and provide

17 recommendations regarding the long-term need for adult beds at the Utah State

18 Hospital;

- 19 ▶ modifies the membership of the Utah Substance Use and Mental Health Advisory

20 Council;

- 21 ▶ requires the Division of Substance Abuse and Mental Health to:

- 22 • set standards for certification of assertive community treatment teams (ACT
- 23 teams);

- 24 • make rules outlining the responsibilities of ACT teams;

- 25 • award a grant for the development of one ACT team; and

- 26 • implement and manage a housing assistance program for certain individuals

27 released from the Utah State Hospital; and

28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 This bill appropriates:

31 ▶ to the Department of Human Services -- Division of Substance Abuse and Mental
32 Health -- Utah State Hospital, as an ongoing appropriation:

- 33 • from the General Fund, \$4,885,500;

34 ▶ to the Department of Human Services -- Division of Substance Abuse and Mental
35 Health -- Utah State Hospital, as a one-time appropriation:

- 36 • from the General Fund, One-time, (\$1,076,900); and

37 ▶ to the Department of Human Services -- Division of Substance Abuse and Mental
38 Health -- Community Mental Health Services, as an ongoing appropriation:

- 39 • from the General Fund, \$350,000.

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **62A-15-605**, as last amended by Laws of Utah 2015, Chapter 403

45 **63M-7-301**, as last amended by Laws of Utah 2019, Chapter 246

46 **63I-1-262**, as last amended by Laws of Utah 2019, Chapters 246, 257, 440 and last
47 amended by Coordination Clause, Laws of Utah 2019, Chapter 246

48 ENACTS:

49 **62A-15-1701**, Utah Code Annotated 1953

50 **62A-15-1702**, Utah Code Annotated 1953

51 **62A-15-1703**, Utah Code Annotated 1953

52 **62A-15-1704**, Utah Code Annotated 1953

53

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

55 Section 1. Section **62A-15-605** is amended to read:

56 **62A-15-605. Forensic Mental Health Coordinating Council -- Establishment and**
57 **purpose.**

58 (1) There is established the Forensic Mental Health Coordinating Council composed of
59 the following members:

60 (a) the director of the Division of Substance Abuse and Mental Health or the director's
61 appointee;

62 (b) the superintendent of the state hospital or the superintendent's appointee;

63 (c) the executive director of the Department of Corrections or the executive director's
64 appointee;

65 (d) a member of the Board of Pardons and Parole or its appointee;

66 (e) the attorney general or the attorney general's appointee;

67 (f) the director of the Division of Services for People with Disabilities or the director's
68 appointee;

69 (g) the director of the Division of Juvenile Justice Services or the director's appointee;

70 (h) the director of the Commission on Criminal and Juvenile Justice or the director's
71 appointee;

72 (i) the state court administrator or the administrator's appointee;

73 (j) the state juvenile court administrator or the administrator's appointee;

74 (k) a representative from a local mental health authority or an organization, excluding
75 the state hospital that provides mental health services under contract with the Division of
76 Substance Abuse and Mental Health or a local mental health authority, as appointed by the
77 director of the division;

78 (l) the executive director of the Utah Developmental Disabilities Council or the
79 director's appointee; and

80 (m) other individuals, including individuals from appropriate advocacy organizations
81 with an interest in the mission described in Subsection (3), as appointed by the members

82 described in Subsections (1)(a) through (l).

83 (2) A member may not receive compensation or benefits for the member's service, but
84 may receive per diem and travel expenses in accordance with:

85 (a) Section 63A-3-106;

86 (b) Section 63A-3-107; and

87 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
88 63A-3-107.

89 (3) The purpose of the Forensic Mental Health Coordinating Council is to:

90 (a) advise the director regarding the state hospital admissions policy for individuals in
91 the custody of the Department of Corrections;

92 (b) develop policies for coordination between the division and the Department of
93 Corrections;

94 (c) advise the executive director of the Department of Corrections regarding
95 department policy related to the care of individuals in the custody of the Department of
96 Corrections who are mentally ill;

97 (d) promote communication between and coordination among all agencies dealing with
98 individuals with an intellectual disability or mental illness who become involved in the civil
99 commitment system or in the criminal or juvenile justice system;

100 (e) study, evaluate, and recommend changes to laws and procedures relating to
101 individuals with an intellectual disability or mental illness who become involved in the civil
102 commitment system or in the criminal or juvenile justice system;

103 (f) identify and promote the implementation of specific policies and programs to deal
104 fairly and efficiently with individuals with an intellectual disability or mental illness who
105 become involved in the civil commitment system or in the criminal or juvenile justice system;
106 [and]

107 (g) promote judicial education relating to individuals with an intellectual disability or
108 mental illness who become involved in the civil commitment system or in the criminal or

109 juvenile justice system[-]; and
110 (h) in consultation with the Utah Substance Abuse Advisory Council created in Section
111 63M-7-301, study the long-term need for adult patient beds at the state hospital, including:
112 (i) the total number of beds currently in use in the adult general psychiatric unit of the
113 state hospital;
114 (ii) the current bed capacity at the state hospital;
115 (iii) the projected total number of beds needed in the adult general psychiatric unit of
116 the state hospital over the next three, five, and 10 years based on:
117 (A) the state's current and projected population growth;
118 (B) current access to mental health resources in the community; and
119 (C) any other factors the Forensic Mental Health Coordinating Council finds relevant
120 to projecting the total number of beds; and
121 (iv) the cost associated with the projected total number of beds described in Subsection
122 (3)(h)(iii).
123 (4) The Forensic Mental Health Coordinating Council shall report the results of the
124 study described in Subsection (3)(h) and any recommended changes to laws or procedures
125 based on the results to the Health and Human Services Interim Committee before November 30
126 of each year.

127 Section 2. Section **62A-15-1701** is enacted to read:

128 **Part 17. Utah Assertive Community Treatment Act**

129 **62A-15-1701. Definitions.**

130 As used in this part:

131 (1) "ACT team personnel" means a licensed psychiatrist or mental health therapist, or
132 another individual, as determined by the division, who is part of an ACT team.

133 (2) "Assertive community treatment team" or "ACT team" means a mobile team of
134 medical and mental health professionals that provides assertive community outreach treatment
135 and, based on the individual circumstances of each case, coordinates with other medical

136 providers and appropriate community resources.

137 (3) (a) "Assertive community treatment" means mental health services and on-site
138 intervention that a person renders to an individual with a mental illness.

139 (b) "Assertive community treatment" includes the provision of assessment and
140 treatment plans, rehabilitation, support services, and referrals to other community resources.

141 (4) "Mental health therapist" means the same as that term is defined in Section
142 58-60-102.

143 (5) "Mental illness" means the same as that term is defined in Section 62A-15-602.

144 (6) "Psychiatrist" means the same as that term is defined in Section 62A-15-1601.

145 Section 3. Section **62A-15-1702** is enacted to read:

146 **62A-15-1702. Division duties -- ACT team license creation.**

147 (1) To promote the availability of assertive community treatment, the division shall
148 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
149 that create a certificate for ACT team personnel and ACT teams, that includes:

150 (a) the standards the division establishes under Subsection (2); and

151 (b) guidelines for:

152 (i) required training and experience of ACT team personnel; and

153 (ii) the coordination of assertive community treatment and other community resources.

154 (2) (a) The division shall:

155 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
156 make rules that establish standards that an applicant is required to meet to qualify for the
157 certifications described in Subsection (1); and

158 (ii) create a statewide ACT team plan that:

159 (A) identifies statewide assertive community treatment needs, objectives, and
160 priorities; and

161 (B) identifies the equipment, facilities, personnel training, and other resources
162 necessary to provide assertive community treatment.

163 **(b) The division may delegate the ACT team plan requirement described in Subsection**
164 **(2)(a)(ii) to a contractor with whom the division contracts to provide assertive community**
165 **outreach treatment.**

166 Section 4. Section **62A-15-1703** is enacted to read:

167 **62A-15-1703. Grants for development of an ACT team.**

168 **(1) The division shall award grants for the development of one ACT team to provide**
169 **assertive community treatment to individuals in the state.**

170 **(2) The division shall prioritize the award of a grant described in Subsection (1) to**
171 **entities, based on:**

172 **(a) the number of individuals the proposed ACT team will serve; and**

173 **(b) the percentage of matching funds the entity will provide to develop the proposed**
174 **ACT team.**

175 **(3) An entity does not need to have resources already in place to be awarded a grant**
176 **described in Subsection (1).**

177 **(4) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah**
178 **Administrative Rulemaking Act, for the application and award of the grants described in**
179 **Subsection (1).**

180 Section 5. Section **62A-15-1704** is enacted to read:

181 **62A-15-1704. Housing assistance program for individuals discharged from the**
182 **Utah State Hospital and receiving assertive community treatment.**

183 **(1) (a) The division shall, within funds appropriated by the Legislature for this purpose,**
184 **implement and manage the operation of a housing assistance program in consultation with the**
185 **Utah State Hospital, established in Section [62A-15-601](#), and one or more housing authorities,**
186 **associations of governments, or nonprofit entities.**

187 **(b) The housing assistance program shall provide the housing assistance described in**
188 **Subsection (1)(c) to individuals:**

189 **(i) who are discharged from the Utah State Hospital; and**

190 (ii) who the division determines would benefit from assertive community treatment.

191 (c) The housing assistance provided under the housing assistance program may

192 include:

193 (i) subsidizing rent payments for housing;

194 (ii) subsidizing the provision of temporary or transitional housing; or

195 (iii) providing money for one-time housing barrier assistance, including rental housing
196 application fees, utility hookup fees, or rental housing security deposits.

197 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
198 Administrative Rulemaking Act, to establish procedures for the operation of the housing
199 assistance program described in Subsection (1).

200 (3) The division shall report to the Health and Human Services Interim Committee
201 each year before November 30 regarding:

202 (a) the entities the division consulted with under Subsection (1)(a);

203 (b) the number of individuals who are benefitting from the housing assistance program
204 described in Subsection (1);

205 (c) the type of housing assistance provided under the housing assistance program
206 described in Subsection (1);

207 (d) the average monthly dollar amount provided to individuals under the housing
208 assistance program described in Subsection (1); and

209 (e) recommendations regarding improvements or changes to the housing assistance
210 program described in Subsection (1).

211 Section 6. Section **63I-1-262** is amended to read:

212 **63I-1-262. Repeal dates, Title 62A.**

213 (1) Subsections **62A-1-120**(8)(g), (h), and (i) are repealed July 1, 2023.

214 (2) Section **62A-3-209** is repealed July 1, 2023.

215 (3) Section **62A-4a-202.9** is repealed December 31, 2021.

216 (4) Section **62A-4a-213** is repealed July 1, 2024.

- 217 (5) Section 62A-15-114 is repealed December 31, 2021.
- 218 (6) Subsections 62A-15-116(1) and (4), the language that states "In consultation with
219 the SafeUT and School Safety Commission, established in Section 53B-17-1203," is repealed
220 January 1, 2023.
- 221 (7) Subsections 62A-15-605(3)(h) and (4) relating to the study of long-term needs for
222 adult beds in the state hospital are repealed July 1, 2022.
- 223 [~~7~~] (8) Subsections 62A-15-1100(1) and 62A-15-1101[~~8~~](9), in relation to the Utah
224 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.
- 225 [~~8~~] (9) In relation to the Mental Health Crisis Line Commission, on July 1, 2023:
- 226 (a) Subsections 62A-15-1301(1) and 62A-15-1401(1) are repealed;
- 227 (b) Subsection 62A-15-1302(1)(b), the language that states "and in consultation with
228 the commission" is repealed;
- 229 (c) Section 62A-15-1303, the language that states "In consultation with the
230 commission," is repealed; and
- 231 (d) Subsection 62A-15-1402(2)(a), the language that states "With recommendations
232 from the commission," is repealed.
- 233 Section 7. Section 63M-7-301 is amended to read:
- 234 **63M-7-301. Definitions -- Creation of council -- Membership -- Terms.**
- 235 (1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health
236 Advisory Council created in this section.
- 237 (b) There is created within the governor's office the Utah Substance Use and Mental
238 Health Advisory Council.
- 239 (2) The council shall be comprised of the following voting members:
- 240 (a) the attorney general or the attorney general's designee;
- 241 (b) [~~an~~] one elected county official appointed by the Utah Association of Counties;
- 242 (c) the commissioner of public safety or the commissioner's designee;
- 243 (d) the director of the Division of Substance Abuse and Mental Health or the director's

- 244 designee;
- 245 (e) the state superintendent of public instruction or the superintendent's designee;
- 246 (f) the executive director of the Department of Health or the executive director's
247 designee;
- 248 (g) the executive director of the Commission on Criminal and Juvenile Justice or the
249 executive director's designee;
- 250 (h) the executive director of the Department of Corrections or the executive director's
251 designee;
- 252 (i) the director of the Division of Juvenile Justice Services or the director's designee;
- 253 (j) the director of the Division of Child and Family Services or the director's designee;
- 254 (k) the chair of the Board of Pardons and Parole or the chair's designee;
- 255 (l) the director of the Office of Multicultural Affairs or the director's designee;
- 256 (m) the director of the Division of Indian Affairs or the director's designee;
- 257 (n) the state court administrator or the state court administrator's designee;
- 258 (o) [a] one district court judge who presides over a drug court and who is appointed by
259 the chief justice of the Utah Supreme Court;
- 260 (p) [a] one district court judge who presides over a mental health court and who is
261 appointed by the chief justice of the Utah Supreme Court;
- 262 (q) [a] one juvenile court judge who presides over a drug court and who is appointed
263 by the chief justice of the Utah Supreme Court;
- 264 (r) [a] one prosecutor appointed by the Statewide Association of Prosecutors;
- 265 (s) the chair or co-chair of each committee established by the council;
- 266 (t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under
267 Subsection [62A-15-1101\(2\)](#);
- 268 (u) [a] one representative appointed by the Utah League of Cities and Towns to serve a
269 four-year term;
- 270 (v) the following members appointed by the governor to serve four-year terms:

271 (i) one resident of the state who has been personally affected by a substance use or
272 mental health disorder; and
273 (ii) one citizen representative; and
274 (w) in addition to the voting members described in Subsections (2)(a) through (v), the
275 following voting members appointed by a majority of the members described in Subsections
276 (2)(a) through (v) to serve four-year terms:

277 (i) one resident of the state who represents a statewide advocacy organization for
278 recovery from substance use disorders;

279 (ii) one resident of the state who represents a statewide advocacy organization for
280 recovery from mental illness;

281 (iii) one resident of the state who represents a statewide advocacy organization for
282 protection of rights of individuals with a disability;

283 [~~(iii)~~] (iv) one resident of the state who represents prevention professionals;

284 [~~(iv)~~] (v) one resident of the state who represents treatment professionals;

285 [~~(v)~~] (vi) one resident of the state who represents the physical health care field;

286 [~~(vi)~~] (vii) one resident of the state who is a criminal defense attorney;

287 [~~(vii)~~] (viii) one resident of the state who is a military servicemember or military
288 veteran under Section 53B-8-102;

289 [~~(viii)~~] (ix) one resident of the state who represents local law enforcement agencies;

290 [and]

291 [~~(ix)~~] (x) one representative of private service providers that serve youth with
292 substance use disorders or mental health disorders[-]; and

293 (xi) one resident of the state who is certified by the Division of Substance Abuse and
294 Mental Health as a peer support specialist as described in Subsection 62A-15-103(2)(h).

295 (3) An individual other than an individual described in Subsection (2) may not be
296 appointed as a voting member of the council.

297 Section 8. **Appropriation.**

H.B. 35

Enrolled Copy

298 The following sums of money are appropriated for the fiscal year beginning July 1,
299 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
300 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
301 Act, the Legislature appropriates the following sums of money from the funds or accounts
302 indicated for the use and support of the government of the state of Utah.

303 ITEM 1

304 To Department of Human Services -- Division of Substance Abuse and Mental Health

305 From General Fund \$4,885,500

306 From General Fund, One-time (\$1,076,900)

307 Schedule of Programs:

308 Utah State Hospital \$3,808,600

309 The Legislature intends that appropriations provided under this item be used for the
310 establishment and maintenance of 30 adult patient beds at the Utah State Hospital.

311 ITEM 2

312 To Department of Human Services -- Division of Substance Abuse and Mental Health

313 From General Fund \$350,000

314 Schedule of Programs:

315 Community Mental Health Services \$350,000

316 The Legislature intends that appropriations provided under this item be used to award
317 grants under Section [62A-15-1703](#).