

1 **STATE HOSPITAL AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: J. Stuart Adams**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Utah Human Services Code by requiring the
10 Division of Substance Abuse and Mental Health to issue a request for proposals for a
11 private entity to operate the state hospital.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ requires the Division of Substance Abuse and Mental Health (division) to report to
15 the Health and Human Services Interim Committee when the division determines
16 that it is feasible for the state hospital to be decentralized and administered at the
17 local level by being integrated with, and becoming a part of, community mental
18 health services;

19 ▶ requires that, on or before August 1, 2011, the division shall, in consultation with
20 the Privatization Policy Board, issue a request for proposals for a private entity to ~~§~~→, under the
20a **direction and control of the division:**

21 • ~~←§~~ administer the state hospital ~~§~~→ [~~under the direction and control of the division~~]; or

21a • **administer the state hospital in partnership with the division ←§** ;

22 ▶ describes requirements relating to the request for proposals;

23 ▶ requires the division to award a contract to operate the state hospital to an entity that
24 complies with the criteria described in this bill; and

25 ▶ makes technical changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **62A-15-603**, as renumbered and amended by Laws of Utah 2002, Fifth Special Session,
33 Chapter 8



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

36 Section 1. Section **62A-15-603** is amended to read:

37 **62A-15-603. Administration of state hospital -- Division -- Authority.**

38 (1) The administration of the state hospital is vested in the division where it shall
39 function and be administered as a part of the state's comprehensive mental health program and,
40 to the fullest extent possible, shall be coordinated with local mental health authority programs.
41 ~~[When it becomes feasible the board may direct that the]~~ The division shall report to the Health
42 and Human Services Interim Committee when the division determines that it is feasible for the
43 state hospital to be decentralized and administered at the local level by being integrated with,
44 and becoming a part of, the community mental health services.

45 (2) The division shall succeed to all the powers, discharge all the duties, and perform
46 all the functions, duties, rights, and responsibilities pertaining to the state hospital which by
47 law are conferred upon it or required to be discharged or performed. However, the functions,
48 powers, duties, rights, and responsibilities of the division and of the board otherwise provided
49 by law and by this part apply.

50 (3) Supervision and administration of security responsibilities for the state hospital is
51 vested in the division. The executive director shall designate, as special function officers,
52 individuals to perform special security functions for the state hospital that require peace officer
53 authority. These special function officers may not become or be designated as members of the
54 Public Safety Retirement System.

55 (4) Directors of mental health facilities that house involuntary detainees or detainees
56 committed pursuant to judicial order may establish secure areas, as prescribed in Section
57 76-8-311.1, within the mental health facility for the detainees.

58 (5) The division shall, on or before August 1, 2011, in consultation with the

59 Privatization Policy Board, created in Section 63I-4-201, issue a request for proposals for a
60 private entity to administer the state hospital, under the direction and control of the division.

61 (6) The request for proposals shall:

62 (a) allow for options of operating the state hospital at:

63 (i) a state owned facility; or

64 (ii) a facility owned, built, or leased by the private entity that administers the state
65 hospital;

65a **§→ (b) allow for options of operating the state hospital through a partnership between a**
65b **private entity and the division;**

66 ~~[(b)]~~ **(c) ←§** ensure that the successful responder will operate the state hospital:

67 (i) at a cost that is at or below the cost to the state of operating the state hospital; and

68 (ii) in a manner that is in compliance with federal and state law and regulations; and

69 **§→ [(c)] (d) ←§** ensure that the division will have complete access to, at any time:

70 (i) inspect the facility at which the state hospital will be operated;

71 (ii) interview patients at the state hospital; and

72 (iii) inspect records of the entity that operates the facility that relate to the facility.

73 (7) The division shall award a contract to operate the state hospital to an entity that
74 complies with the criteria described in this section.

Legislative Review Note
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Office of Legislative Research and General Counsel