

1 **STATE BEST PRACTICES FOR CRISIS INTERVENTION**

2 **TEAMS**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Brian S. King**

6 Senate Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill addresses crisis intervention teams on a regional and statewide basis.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ enacts the Crisis Intervention Team Utah Program Act, including:
 - 13 • defining terms;
 - 14 • providing for regional crisis intervention team programs;
 - 15 • establishing the Crisis Intervention Team Utah Program Advisory Council;
 - 16 • providing for certification of peace officers; and
 - 17 • outlining division duties; and
- 18 ▶ makes technical and conforming amendments.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **17-43-301**, as last amended by Laws of Utah 2016, Chapter 113

26 ENACTS:



- 28 62A-15-1201, Utah Code Annotated 1953
- 29 62A-15-1202, Utah Code Annotated 1953
- 30 62A-15-1203, Utah Code Annotated 1953
- 31 62A-15-1204, Utah Code Annotated 1953
- 32 62A-15-1205, Utah Code Annotated 1953
- 33 62A-15-1206, Utah Code Annotated 1953

34

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

36 Section 1. Section 17-43-301 is amended to read:

37 **17-43-301. Local mental health authorities -- Responsibilities.**

38 (1) (a) (i) In [~~each~~] a county operating under a county executive-council form of
39 government under Section 17-52-504, the county legislative body is the local mental health
40 authority, provided however that any contract for plan services shall be administered by the
41 county executive.

42 (ii) In [~~each~~] a county operating under a council-manager form of government under
43 Section 17-52-505, the county manager is the local mental health authority.

44 (iii) In [~~each~~] a county other than a county described in Subsection (1)(a)(i) or (ii), the
45 county legislative body is the local mental health authority.

46 (b) Within legislative appropriations and county matching funds required by this
47 section, under the direction of the division, [~~each~~] a local mental health authority shall:

48 (i) provide mental health services to persons within the county; and

49 (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to
50 promote integrated programs that address an individual's substance abuse, mental health, and
51 physical healthcare needs, as described in Section 62A-15-103.

52 (c) Within legislative appropriations and county matching funds required by this
53 section, [~~each~~] a local mental health authority shall cooperate with the efforts of the
54 Department of Human Services to promote a system of care, as defined in Section 62A-1-104,
55 for minors with or at risk for complex emotional and behavioral needs, as described in Section
56 62A-1-111.

57 (d) A local mental health authority for a mental health catchment area shall comply
58 with Title 62A, Chapter 15, Part 12, Crisis Intervention Team Utah Program Act.

59 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
60 Cooperation Act, two or more counties may join to:

- 61 (i) provide mental health prevention and treatment services; or
- 62 (ii) create a united local health department that combines substance abuse treatment
63 services, mental health services, and local health department services in accordance with
64 Subsection (3).

65 (b) The legislative bodies of counties joining to provide services may establish
66 acceptable ways of apportioning the cost of mental health services.

67 (c) ~~[Each]~~ An agreement for joint mental health services shall:

68 (i) (A) designate the treasurer of one of the participating counties or another person as
69 the treasurer for the combined mental health authorities and as the custodian of money
70 available for the joint services; and

71 (B) provide that the designated treasurer, or other disbursing officer authorized by the
72 treasurer, may make payments from the money available for the joint services upon audit of the
73 appropriate auditing officer or officers representing the participating counties;

74 (ii) provide for the appointment of an independent auditor or a county auditor of one of
75 the participating counties as the designated auditing officer for the combined mental health
76 authorities;

77 (iii) (A) provide for the appointment of the county or district attorney of one of the
78 participating counties as the designated legal officer for the combined mental health
79 authorities; and

80 (B) authorize the designated legal officer to request and receive the assistance of the
81 county or district attorneys of the other participating counties in defending or prosecuting
82 actions within their counties relating to the combined mental health authorities; and

83 (iv) provide for the adoption of management, clinical, financial, procurement,
84 personnel, and administrative policies as already established by one of the participating
85 counties or as approved by the legislative body of each participating county or interlocal board.

86 (d) An agreement for joint mental health services may provide for:

87 (i) joint operation of services and facilities or for operation of services and facilities
88 under contract by one participating local mental health authority for other participating local
89 mental health authorities; and

90 (ii) allocation of appointments of members of the mental health advisory council
91 between or among participating counties.

92 (3) A county governing body may elect to combine the local mental health authority
93 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
94 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
95 Department Act, to create a united local health department under Section 26A-1-105.5. A local
96 mental health authority that joins with a united local health department shall comply with this
97 part.

98 (4) (a) [~~Each~~] A local mental health authority is accountable to the department, the
99 Department of Health, and the state with regard to the use of state and federal funds received
100 from those departments for mental health services, regardless of whether the services are
101 provided by a private contract provider.

102 (b) [~~Each~~] A local mental health authority shall comply, and require compliance by its
103 contract provider, with all directives issued by the department and the Department of Health
104 regarding the use and expenditure of state and federal funds received from those departments
105 for the purpose of providing mental health programs and services. The department and
106 Department of Health shall ensure that those directives are not duplicative or conflicting, and
107 shall consult and coordinate with local mental health authorities with regard to programs and
108 services.

109 (5) (a) [~~Each~~] A local mental health authority shall:

110 (i) review and evaluate mental health needs and services, including mental health needs
111 and services for persons incarcerated in a county jail or other county correctional facility;

112 (ii) as provided in Subsection (5)(b), annually prepare and submit to the division a plan
113 approved by the county legislative body for mental health funding and service delivery, either
114 directly by the local mental health authority or by contract;

115 (iii) establish and maintain, either directly or by contract, programs licensed under Title
116 62A, Chapter 2, Licensure of Programs and Facilities;

117 (iv) appoint, directly or by contract, a full-time or part-time director for mental health
118 programs and prescribe the director's duties;

119 (v) provide input and comment on new and revised rules established by the division;

120 (vi) establish and require contract providers to establish administrative, clinical,

121 personnel, financial, procurement, and management policies regarding mental health services
122 and facilities, in accordance with the rules of the division, and state and federal law;

123 (vii) establish mechanisms allowing for direct citizen input;

124 (viii) annually contract with the division to provide mental health programs and
125 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
126 Mental Health Act;

127 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
128 contract requirements, and any directives resulting from those audits and contract requirements;

129 (x) provide funding equal to at least 20% of the state funds that it receives to fund
130 services described in the plan;

131 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
132 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title
133 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
134 Other Local Entities Act; and

135 (xii) take and retain physical custody of minors committed to the physical custody of
136 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,
137 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

138 (b) ~~[Each]~~ A plan under Subsection (5)(a)(ii) shall include services for adults, youth,
139 and children, which shall include:

140 (i) inpatient care and services;

141 (ii) residential care and services;

142 (iii) outpatient care and services;

143 (iv) 24-hour crisis care and services;

144 (v) psychotropic medication management;

145 (vi) psychosocial rehabilitation, including vocational training and skills development;

146 (vii) case management;

147 (viii) community supports, including in-home services, housing, family support
148 services, and respite services;

149 (ix) consultation and education services, including case consultation, collaboration
150 with other county service agencies, public education, and public information; and

151 (x) services to persons incarcerated in a county jail or other county correctional facility.

152 (6) Before disbursing any public funds, [~~each~~] a local mental health authority shall
153 require that each entity that receives any public funds from a local mental health authority
154 agrees in writing that:

155 (a) the entity's financial records and other records relevant to the entity's performance
156 of the services provided to the mental health authority shall be subject to examination by:

157 (i) the division;

158 (ii) the local mental health authority director;

159 (iii) (A) the county treasurer and county or district attorney; or

160 (B) if two or more counties jointly provide mental health services under an agreement
161 under Subsection (2), the designated treasurer and the designated legal officer;

162 (iv) the county legislative body; and

163 (v) in a county with a county executive that is separate from the county legislative
164 body, the county executive;

165 (b) the county auditor may examine and audit the entity's financial and other records
166 relevant to the entity's performance of the services provided to the local mental health
167 authority; and

168 (c) the entity will comply with the provisions of Subsection (4)(b).

169 (7) A local mental health authority may receive property, grants, gifts, supplies,
170 materials, contributions, and any benefit derived therefrom, for mental health services. If those
171 gifts are conditioned upon their use for a specified service or program, they shall be so used.

172 (8) (a) As used in this section, "public funds" means the same as that term is defined in
173 Section [17-43-303](#).

174 (b) Public funds received for the provision of services pursuant to the local mental
175 health plan may not be used for any other purpose except those authorized in the contract
176 between the local mental health authority and the provider for the provision of plan services.

177 Section 2. Section **62A-15-1201** is enacted to read:

178 **Part 12. Crisis Intervention Team Utah Program Act**

179 **62A-15-1201. Title.**

180 This part is known as the "Crisis Intervention Team Utah Program Act."

181 Section 3. Section **62A-15-1202** is enacted to read:

182 **62A-15-1202. Definitions.**

183 As used in this part:

184 (1) "Advisory council" means the Crisis Intervention Team Utah Program Advisory
185 Council created under Section [62A-15-1204](#).

186 (2) "Crisis intervention team coordinator" means an individual identified by the local
187 mental health authority or a law enforcement agency of that mental health authority's
188 jurisdiction who has the responsibility of a regional crisis intervention team program or
189 specialized crisis intervention team program in accordance with Section [62A-15-1203](#).

190 (3) "Crisis intervention team officer" means a certified peace officer of a law
191 enforcement agency in the state who is certified as a crisis intervention team officer under
192 Section [62A-15-1205](#).

193 (4) "Mental health catchment area" means the same as that term is defined in Section
194 [62A-15-611](#).

195 (5) "Peace officer" means an officer certified in accordance with Title 53, Chapter 13,
196 Peace Officer Classifications.

197 (6) "Regional crisis intervention team program" means a program:

198 (a) in a geographical area of the state that is one of the state mental health catchment
199 areas;

200 (b) that consists of a partnership between a law enforcement agency within the mental
201 health catchment area, the mental health catchment area's mental health authority, and
202 advocacy organizations; and

203 (c) that acts in accordance with Subsection [62A-15-1203\(2\)](#).

204 (7) "Specialized crisis intervention program" means a program that is focused on a
205 particular circumstance such as corrections or youth.

206 (8) "Statewide program" means a single statewide crisis intervention team program
207 consisting of regional crisis intervention team programs.

208 Section 4. Section **62A-15-1203** is enacted to read:

209 **62A-15-1203. Regional crisis intervention team programs.**

210 (1) The mental health authority for a mental health catchment area, in partnership with
211 a law enforcement agency of that mental health catchment area, and the statewide crisis
212 intervention team program administration shall create a regional crisis intervention team
213 program for the mental health catchment area. The mental health authority and law

214 enforcement agency shall designate one or more individuals as crisis intervention team
215 coordinators.

216 (2) A regional crisis intervention team program shall:

217 (a) work in partnership with the statewide program and the statewide program's
218 administration;

219 (b) provide specialized training for peace officers that allows a peace officer to become
220 or remain certified as a crisis intervention team officer in accordance with Section
221 62A-15-1205;

222 (c) provide other de-escalation training for peace officers and other first responders;

223 (d) work with local communities in developing effective crisis response systems
224 throughout the mental health catchment area;

225 (e) advocate for behavioral health services; and

226 (f) be represented on the advisory council by the regional crisis intervention team's
227 coordinators.

228 Section 5. Section **62A-15-1204** is enacted to read:

229 **62A-15-1204. Crisis Intervention Team Utah Program Advisory Council.**

230 (1) There is created a Crisis Intervention Team Utah Program Advisory Council that
231 consists of:

232 (a) a representative of the statewide program's administration;

233 (b) crisis intervention team regional coordinators from each mental health catchment
234 area;

235 (c) the division's director or the director's designee; and

236 (d) representation from other partnered agencies or organizations.

237 (2) (a) A majority of the advisory council constitutes a quorum.

238 (b) The action of a majority of a quorum present is an action of the advisory council.

239 (c) The advisory council may designate a member of the advisory council to act as
240 chair for a term of one year.

241 (d) The advisory council shall determine who is a member of the advisory council
242 under Subsection (1)(d).

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

- 245 (a) Section 63A-3-106;
246 (b) Section 63A-3-107; and
247 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
248 63A-3-107.
- 249 (4) The division shall staff the advisory council and maintain a current membership list
250 of the advisory council.
- 251 (5) Subject to approval by the division, the advisory council shall recommend:
- 252 (a) standards, curriculum, and training for the statewide program and regional crisis
253 intervention team programs; and
- 254 (b) the certification and recertification process for a peace officer to be a certified crisis
255 intervention team officer in accordance with Section 62A-15-1205.
- 256 Section 6. Section **62A-15-1205** is enacted to read:
- 257 **62A-15-1205. Certification of peace officers.**
- 258 (1) To be originally certified as a crisis intervention team officer, a peace officer shall:
- 259 (a) complete the training approved by the division in accordance with Section
260 62A-15-1206; and
- 261 (b) pass the required testing approved by the division in accordance with Section
262 62A-15-1206.
- 263 (2) To maintain certification, a crisis intervention team officer shall comply with
264 recertification requirements approved by the division in accordance with Section 62A-15-1206.
- 265 Section 7. Section **62A-15-1206** is enacted to read:
- 266 **62A-15-1206. Division responsibilities for statewide program.**
- 267 (1) The division shall support the continued development of the statewide program by:
- 268 (a) providing oversight of the statewide program through a contractual agreement,
269 made in accordance with Title 63G, Chapter 6a, Utah Procurement Code, with an entity that
270 will provide the statewide program's administration;
- 271 (b) approving by rule, made in accordance with Title 63G, Chapter 3, Utah
272 Administrative Rulemaking Act, standards, curriculum, and training for the statewide program;
- 273 (c) monitoring standards, curriculum, and training for the statewide program; and
274 (d) providing the procedure by rule, made in accordance with Title 63G, Chapter 3,
275 Utah Administrative Rulemaking Act, for certification and recertification of crisis intervention

276 team officers.

277 (2) In complying with Subsection (1), the division shall:

278 (a) implement the core elements of the best practices found nationally for crisis

279 intervention teams; and

280 (b) seek the collaboration of the Division of Peace Officer Standards and Training and

281 advocacy organizations.

Legislative Review Note
Office of Legislative Research and General Counsel