



## HB0167 compared with HB0167S02

- 13           • {~~connecting county residents~~} provides that the department may procure or adopt  
technology to coordinate services with outside organizations involved in supporting individuals on  
probation or parole {~~with certain county-based services; and~~} ;
- 15           • {~~educating and incentivizing employers to hire county residents who have a criminal~~  
~~record;~~}
- 17           ▸ creates the Rehabilitation and {~~Re-entry~~} Reentry Services Restricted Account, which:
- 18           • allows the department to accept donations and other funds; and
- 19           • restricts funds for specified purposes relating to the successful reintegration of offenders and  
former offenders into the general public; and
- 21           ▸ makes technical and conforming changes.

### 28 Money Appropriated in this Bill:

- 29           ▸ **This bill appropriates \$2,000,000 in operating and capital budgets for fiscal year 2026,**  
**all**
- 30           **of which is from the various sources as detailed in this bill.**

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32           This bill provides a special effective date.

### 34 AMENDS:

- 35           **17-43-301 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,  
Chapters 240, 299 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024,  
Chapters 240, 299
- 37           **17-55-201 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Chapter  
187 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Chapter 187
- 39           **34-52-201 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023,  
**Chapters 115, 344 and last amended by Coordination Clause, Laws of Utah 2023, Chapter**  
**344 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023, Chapters  
**115, 344 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 344**
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- 41           **58-1-501 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,  
**Chapter 420 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,  
**Chapter 420**
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- 43           **64-13-6 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,  
**Chapters 144, 208 (Effective upon governor's approval)**, as last amended by Laws of Utah  
**2024, Chapters 144, 208**
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## HB0167 compared with HB0167S02

45 ENACTS:

46 **64-13h-101 (Effective upon governor's approval)**, Utah Code Annotated 1953 (**Effective upon**  
47 **governor's approval**), Utah Code Annotated 1953

47 **64-13h-102 (Effective upon governor's approval)**, Utah Code Annotated 1953 (**Effective upon**  
48 **governor's approval**), Utah Code Annotated 1953

48 **64-13h-103 (Effective upon governor's approval)**, Utah Code Annotated 1953 (**Effective upon**  
49 **governor's approval**), Utah Code Annotated 1953

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

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

52 **17-43-301. Local mental health authorities -- Responsibilities.**

41 (1) As used in this section:

42 (a) "Assisted outpatient treatment" means the same as that term is defined in Section 26B-5-301.

44 (b) "Crisis worker" means the same as that term is defined in Section 26B-5-610.

45 (c) "Local mental health crisis line" means the same as that term is defined in Section 26B-5-610.

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

48 (e) "Public funds" means the same as that term is defined in Section 17-43-303.

49 (f) "Statewide mental health crisis line" means the same as that term is defined in Section 26B-5-610.

51 (2)

. (a)

. (i) In each county operating under a county executive-council form of government under Section  
17-52a-203, the county legislative body is the local mental health authority, provided however  
that any contract for plan services shall be administered by the county executive.

55 (ii) In each county operating under a council-manager form of government under Section  
17-52a-204, the county manager is the local mental health authority.

57 (iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the county  
legislative body is the local mental health authority.

59 (b) Within legislative appropriations and county matching funds required by this section, under the  
direction of the division, each local mental health authority shall:

61 (i) provide mental health services to individuals within the county; and

62

## HB0167 compared with HB0167S02

- (ii) cooperate with efforts of the division to promote integrated programs that address an individual's substance use, mental health, and physical healthcare needs, as described in Section 26B-5-102.
- 65 (c) Within legislative appropriations and county matching funds required by this section, each local mental health authority shall cooperate with the efforts of the department to promote a system of care, as defined in Section 26B-5-101, for minors with or at risk for complex emotional and behavioral needs, as described in Section 26B-1-202.
- 69 (3)
- . (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, two or more counties may join to:
- 71 (i) provide mental health prevention and treatment services; or
- 72 (ii) create a united local health department that combines substance use treatment services, mental health services, and local health department services in accordance with Subsection (4).
- 75 (b) The legislative bodies of counties joining to provide services may establish acceptable ways of apportioning the cost of mental health services.
- 77 (c) Each agreement for joint mental health services shall:
- 78 (i)
- . (A) designate the treasurer of one of the participating counties or another person as the treasurer for the combined mental health authorities and as the custodian of money available for the joint services; and
- 81 (B) provide that the designated treasurer, or other disbursing officer authorized by the treasurer, may make payments from the money available for the joint services upon audit of the appropriate auditing officer or officers representing the participating counties;
- 85 (ii) provide for the appointment of an independent auditor or a county auditor of one of the participating counties as the designated auditing officer for the combined mental health authorities;
- 88 (iii)
- . (A) provide for the appointment of the county or district attorney of one of the participating counties as the designated legal officer for the combined mental health authorities; and
- 91 (B) authorize the designated legal officer to request and receive the assistance of the county or district attorneys of the other participating counties in defending or prosecuting actions within their counties relating to the combined mental health authorities; and

95

## HB0167 compared with HB0167S02

- (iv) provide for the adoption of management, clinical, financial, procurement, personnel, and administrative policies as already established by one of the participating counties or as approved by the legislative body of each participating county or interlocal board.
- 99 (d) An agreement for joint mental health services may provide for:
- 100 (i) joint operation of services and facilities or for operation of services and facilities under contract by one participating local mental health authority for other participating local mental health authorities; and
- 103 (ii) allocation of appointments of members of the mental health advisory council between or among participating counties.
- 105 (4) A county governing body may elect to combine the local mental health authority with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities, and the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department Act, to create a united local health department under Section 26A-1-105.5. A local mental health authority that joins with a united local health department shall comply with this part.
- 111 (5)
- . (a) Each local mental health authority is accountable to the department and the state with regard to the use of state and federal funds received from those departments for mental health services, regardless of whether the services are provided by a private contract provider.
- 115 (b) Each local mental health authority shall comply, and require compliance by its contract provider, with all directives issued by the department regarding the use and expenditure of state and federal funds received from those departments for the purpose of providing mental health programs and services. The department shall ensure that those directives are not duplicative or conflicting, and shall consult and coordinate with local mental health authorities with regard to programs and services.
- 121 (6)
- . (a) Each local mental health authority shall:
- 122 (i) review and evaluate mental health needs and services, including mental health needs and services for:
- 124 (A) an individual incarcerated in a county jail or other county correctional facility; and
- 126 (B) an individual who is a resident of the county and who is court ordered to receive assisted outpatient treatment under Section 26B-5-351;

## HB0167 compared with HB0167S02

- 128 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division a plan  
approved by the county legislative body for mental health funding and service delivery, either  
directly by the local mental health authority or by contract;
- 131 (iii) establish and maintain, either directly or by contract, programs licensed under Title 26B,  
Chapter 2, Part 1, Human Services Programs and Facilities;
- 133 (iv) appoint, directly or by contract, a full-time or part-time director for mental health programs and  
prescribe the director's duties;
- 135 (v) provide input and comment on new and revised rules established by the division;
- 136 (vi) establish and require contract providers to establish administrative, clinical, personnel,  
financial, procurement, and management policies regarding mental health services and facilities,  
in accordance with the rules of the division, and state and federal law;
- 140 (vii) establish mechanisms allowing for direct citizen input;
- 141 (viii) annually contract with the division to provide mental health programs and services in  
accordance with the provisions of Title 26B, Chapter 5, Health Care - Substance Use and  
Mental Health;
- 144 (ix) comply with all applicable state and federal statutes, policies, audit requirements, contract  
requirements, and any directives resulting from those audits and contract requirements;
- 147 (x) provide funding equal to at least 20% of the state funds that it receives to fund services  
described in the plan;
- 149 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation  
Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title 51, Chapter  
2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
Entities Act; and
- 153 (xii) take and retain physical custody of minors committed to the physical custody of local mental  
health authorities by a judicial proceeding under Title 26B, Chapter 5, Part 4, Commitment of  
Persons Under Age 18.
- 156 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and children, which  
shall include:
- 158 (i) inpatient care and services;
- 159 (ii) residential care and services;
- 160 (iii) outpatient care and services;

## HB0167 compared with HB0167S02

- 161 (iv) 24-hour crisis care and services;
- 162 (v) psychotropic medication management;
- 163 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 164 (vii) case management;
- 165 (viii) community supports, including in-home services, housing, family support services, and respite services;
- 167 (ix) consultation and education services, including case consultation, collaboration with other county service agencies, public education, and public information; and
- 169 (x) services to persons incarcerated in a county jail or other county correctional facility.
- 171 (7)
- . (a) If a local mental health authority provides for a local mental health crisis line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local mental health authority shall:
- 174 (i) collaborate with the statewide mental health crisis line described in Section 26B-5-610;
- 176 (ii) ensure that each individual who answers calls to the local mental health crisis line:
- 177 (A) is a mental health therapist or a crisis worker; and
- 178 (B) meets the standards of care and practice established by the Division of Integrated Healthcare, in accordance with Section 26B-5-610; and
- 180 (iii) ensure that when necessary, based on the local mental health crisis line's capacity, calls are immediately routed to the statewide mental health crisis line to ensure that when an individual calls the local mental health crisis line, regardless of the time, date, or number of individuals trying to simultaneously access the local mental health crisis line, a mental health therapist or a crisis worker answers the call without the caller first:
- 186 (A) waiting on hold; or
- 187 (B) being screened by an individual other than a mental health therapist or crisis worker.
- 189 (b) If a local mental health authority does not provide for a local mental health crisis line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local mental health authority shall use the statewide mental health crisis line as a local crisis line resource.
- 193 (8) Before disbursing any public funds, each local mental health authority shall require that each entity that receives any public funds from a local mental health authority agrees in writing that:

196

## HB0167 compared with HB0167S02

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

199 (i) the division;

200 (ii) the local mental health authority director;

201 (iii)

. (A) the county treasurer and county or district attorney; or

202 (B) if two or more counties jointly provide mental health services under an agreement under Subsection (3), the designated treasurer and the designated legal officer;

205 (iv) the county legislative body; and

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

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

211 (c) the entity will comply with the provisions of Subsection (5)(b).

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

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

220 (11) A local mental health authority shall:

221 ~~{(a)}~~

234 (a) provide assisted outpatient treatment services to a resident of the county who has been ordered under Section 26B-5-351 to receive assisted outpatient treatment[-] ; and

223 (b) to the extent feasible, coordinate with the Department of Corrections to ensure the continuity of mental health services for county residents who are on probation or parole.

239 Section 2. Section **17-55-201** is amended to read:

240 **17-55-201. Criminal justice coordinating councils -- Creation -- Strategic plan -- Reporting requirements.**

229 (1)

. (a) Beginning January 1, 2023, a county shall:



## HB0167 compared with HB0167S02

- 230 (i) create a criminal justice coordinating council; or  
231 (ii) jointly with another county or counties, create a criminal justice coordinating council.
- 233 (b) The purpose of a council is to coordinate and improve components of the criminal justice system in  
the county or counties.
- 235 (2)
- . (a) A council shall include:
- 236 (i) one county commissioner or county council member;  
237 (ii) the county sheriff or the sheriff's designee;  
238 (iii) one chief of police of a municipality within the county or the chief's designee;  
239 (iv) the county attorney or the attorney's designee;  
240 (v) one public defender or attorney who provides public defense within the county;  
241 (vi) one district court judge;  
242 (vii) one justice court judge;  
243 (viii) one representative from the Division of Adult Probation and Parole within the Department of  
Corrections;  
245 (ix) one representative from the local mental health authority within the county; and  
246 (x) one individual who is:
- 247 (A) a crime victim; or  
248 (B) a victim advocate, as defined in Section 77-38-403.
- 249 (b) A council may include:
- 250 (i) an individual representing:  
251 (A) local government;  
252 (B) human services programs;  
253 (C) higher education;  
254 (D) peer support services;  
255 (E) workforce services;  
256 (F) local housing services;  
257 (G) mental health or substance use disorder providers;  
258 (H) a health care organization within the county;  
259 (I) a local homeless council;  
260 (J) family counseling and support groups; or

## HB0167 compared with HB0167S02

- 261 (K) organizations that work with families of incarcerated individuals; or  
262 (ii) an individual with lived experiences in the criminal justice system.  
263 (3)  
. (a) A member who is an elected county official shall serve as chair of the council.  
264 (b) The council shall elect the member to serve as chair under Subsection (3)(a).  
265 (4)  
. (a) A council shall develop and implement a strategic plan for the county's or counties' criminal justice  
system that includes:  
267 (i) mapping of all systems, resources, assets, and services within the county's or counties' criminal  
justice system;  
269 (ii) a plan for data sharing across the county's or counties' criminal justice system;  
270 (iii) recidivism reduction objectives; and  
271 (iv) community reintegration goals, including identifying strategies for ~~{:}~~ connecting county  
residents who are on probation, parole, or leaving jail or prison, including those under the  
custody of the Division of Juvenile Justice and Youth Services, with county-based housing,  
employment, mental health services, substance use treatment, and related resources  
272 ~~{(A) {connecting county residents who are on probation or parole with county-based housing,~~  
~~employment, mental health services, substance use treatment, and related resources; and}~~  
275 ~~{(B) } educating and incentivizing employers to hire county residents who have a criminal record}.~~  
277 (b) The commission may assist a council in the development of a strategic plan.  
278 (5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare a list of  
private probation providers for a court to provide to defendants as described in Section 77-18-105.  
281 (6) Before November 30 of each year, a council shall provide a written report to the commission  
regarding:  
283 (a) the implementation of a strategic plan described in Subsection (4); and  
284 (b) any data on the impact of the council on the criminal justice system in the county or counties.  
298 Section 3. Section 34-52-201 is amended to read:  
299 **34-52-201. Public employer requirements.**  
300 (1) Except as provided in Subsections (3) and (6), a public employer may not:  
301 (a) exclude an applicant from an initial interview because of:  
302

## HB0167 compared with HB0167S02

- (i) a past criminal conviction, an expunged conviction, an arrest for an offense that occurred before the applicant was 18 years old, or a juvenile adjudication; or
- 304 (ii) if the applicant is a mental health professional applicant, an arrest for an offense that occurred before the applicant was 18 years old;
- 306 (b) make an inquiry related to an applicant's expunged criminal or juvenile delinquency history;
- 308 (c) when making a hiring decision regarding a mental health professional applicant, consider:
- 310 (i) an arrest for an offense that occurred before the mental health professional applicant was 18 years old;
- 312 (ii) an arrest not followed by a criminal conviction or juvenile adjudication;
- 313 (iii) a juvenile adjudication; or
- 314 (iv) a past criminal conviction if:
- 315 (A) the sentence for the criminal conviction is terminated; and
- 316 (B) the mental health professional applicant was not incarcerated for the past criminal conviction or the mental health professional applicant's incarceration for the past criminal conviction ended at least three years before the day on which the mental health professional applicant applied for employment; or
- 320 (d) deny a mental health professional applicant employment based on a past criminal conviction that does not bear a direct relationship to the mental health professional applicant's ability to safely or competently perform the duties of employment.
- 323 (2) A public employer excludes an applicant from an initial interview under Subsection (1) if the public employer:
- 325 (a) requires an applicant to disclose a criminal conviction or juvenile adjudication:
- 326 (i) on an employment application;
- 327 (ii) before an initial interview; or
- 328 (iii) if no interview is conducted, before making a conditional offer of employment; or
- 329 (b) requires an applicant who is a mental health professional applicant to disclose an arrest for an offense that occurred before the applicant was 18 years old:
- 331 (i) on an employment application;
- 332 (ii) before an initial interview; or
- 333 (iii) if no interview is conducted, before making a conditional offer of employment.
- 334

## HB0167 compared with HB0167S02

- (3) A public employer may not deny a mental health professional applicant employment that requires the mental health professional applicant to provide substance use treatment based on:
- 337 (a) the mental health professional applicant's participation in substance use treatment; or
- 338 (b) a past criminal conviction for a nonviolent drug offense if:
- 339 (i) the sentence for the criminal conviction is terminated; and
- 340 (ii)
- . (A) the mental health professional applicant was not incarcerated for the past criminal conviction; or
- 342 (B) the mental health professional applicant's incarceration for the past criminal conviction ended at least three years before the day on which the mental health professional applicant applied for employment.
- 345 (4) An applicant seeking employment from a public employer may answer a question related to an expunged criminal or juvenile delinquency record as though the action underlying the expunged criminal or juvenile delinquency record never occurred.
- 348 (5) Except as provided in Subsections (1) through (3), this section does not prevent a public employer from:
- 350 (a) asking an applicant for information about an applicant's criminal conviction or juvenile delinquency history during an initial interview or after an initial interview; or
- 352 (b) considering an applicant's criminal conviction or juvenile delinquency history when making a hiring decision.
- 354 (6)
- . (a) Subsections (1) through (4) do not apply:
- 355 (i) if federal, state, or local law, including corresponding administrative rules, requires the consideration of an applicant's criminal conviction, an expunged conviction, an arrest for an offense that occurred before the applicant was 18 years old, or juvenile delinquency history;
- 359 (ii) to a public employer that is a law enforcement agency;
- 360 (iii) to a public employer that is part of the criminal or juvenile justice system;
- 361 (iv) to a public employer seeking a nonemployee volunteer;
- 362 (v) to a public employer that works with children or vulnerable adults;
- 363 (vi) to the Department of Alcoholic Beverage Services created in Section 32B-2-203;
- 364 (vii) to the State Tax Commission;
- 365 (viii) to a public employer whose primary purpose is performing financial or fiduciary functions; or

## HB0167 compared with HB0167S02

- 367 (ix) to a public transit district hiring or promoting an individual for a safety sensitive position  
described in Section 17B-2a-825.
- 369 (b) Subsections (1)(c)(iv) and (1)(d) do not apply to a criminal conviction for:
- 370 (i) a violent felony as defined in Section 76-3-203.5; or
- 371 (ii) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual Offenses, or Title  
76, Chapter 5b, Sexual Exploitation Act.
- 373 (c) Subsections (1)(a)(ii), (1)(c), (1)(d), and (3) apply to a person under contract with a public employer.

375 Section 4. Section 58-1-501 is amended to read:

376 **58-1-501. Unlawful and unprofessional conduct.**

- 378 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and  
includes:
- 380 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to  
practice or engage in any profession requiring licensure under this title, except the behavioral health  
technician under Chapter 60, Part 6, Behavioral Health Coach and Technician Licensing Act, if the  
person is:
- 384 (i) not licensed to do so or not exempted from licensure under this title; or
- 385 (ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive  
license;
- 387 (b)
- . (i) impersonating another licensee or practicing a profession under a false or assumed name, except as  
permitted by law; or
- 389 (ii) for a licensee who has had a license under this title reinstated following disciplinary action,  
practicing the same profession using a different name than the name used before the disciplinary  
action, except as permitted by law and after notice to, and approval by, the division;
- 393 (c) knowingly employing any other person to practice or engage in or attempt to practice or engage in  
any profession licensed under this title if the employee is not licensed to do so under this title;
- 396 (d) knowingly permitting the person's authority to practice or engage in any profession licensed under  
this title to be used by another, except as permitted by law;
- 398 (e) obtaining a passing score on a licensure examination, applying for or obtaining a license, or  
otherwise dealing with the division or a licensing board through the use of fraud, forgery, or  
intentional deception, misrepresentation, misstatement, or omission;

## HB0167 compared with HB0167S02

- 401 (f)
- . (i) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device to a person located in this state:
- 403 (A) without prescriptive authority conferred by a license issued under this title, or by an exemption to licensure under this title; or
- 405 (B) with prescriptive authority conferred by an exception issued under this title or a multistate practice privilege recognized under this title, if the prescription was issued without first obtaining information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment; and
- 411 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call or cross coverage situation, provided that the person who issues the prescription has prescriptive authority conferred by a license under this title, or is exempt from licensure under this title; or
- 415 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a profession under this title.
- 417 (2)
- . (a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined as unprofessional conduct under this title or under any rule adopted under this title and includes:
- 420 (i) violating any statute, rule, or order regulating an a profession under this title;
- 421 (ii) violating, or aiding or abetting any other person to violate, any generally accepted professional or ethical standard applicable to an occupation or profession regulated under this title;
- 424 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance pending the successful completion of probation with respect to a crime that, when considered with the functions and duties of the profession for which the license was issued or is to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely or competently practice the profession;
- 430 (iv) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same profession if the conduct would, in this

## HB0167 compared with HB0167S02

state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;

- 435 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to  
the extent that the conduct does, or might reasonably be considered to, impair the ability of the  
licensee or applicant to safely engage in the profession;
- 438 (vi) practicing or attempting to practice a profession regulated under this title despite being  
physically or mentally unfit to do so;
- 440 (vii) practicing or attempting to practice a or profession regulated under this title through gross  
incompetence, gross negligence, or a pattern of incompetency or negligence;
- 443 (viii) practicing or attempting to practice a profession requiring licensure under this title by any  
form of action or communication which is false, misleading, deceptive, or fraudulent;
- 446 (ix) practicing or attempting to practice a profession regulated under this title beyond the scope of  
the licensee's competency, abilities, or education;
- 448 (x) practicing or attempting to practice a profession regulated under this title beyond the scope of  
the licensee's license;
- 450 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct  
connected with the licensee's practice under this title or otherwise facilitated by the licensee's  
license;
- 453 (xii) acting as a supervisor without meeting the qualification requirements for that position that are  
defined by statute or rule;
- 455 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device:
- 457 (A) without first obtaining information in the usual course of professional practice, that is sufficient  
to establish a diagnosis, to identify conditions, and to identify contraindications to the proposed  
treatment; or
- 460 (B) with prescriptive authority conferred by an exception issued under this title, or a multi-state  
practice privilege recognized under this title, if the prescription was issued without first obtaining  
information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to  
identify underlying conditions, and to identify contraindications to the proposed treatment;
- 466 (xiv) violating a provision of Section 58-1-501.5;
- 467 (xv) violating the terms of an order governing a license; or
- 468 (xvi) violating Section 58-1-511.

## HB0167 compared with HB0167S02

- 469 (b) "Unprofessional conduct" does not include:
- 470 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under this title, deviating  
from medical norms or established practices if the conditions described in Subsection (5) are met;  
and
- 473 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the health care provider  
deviates from medical norms or established practices, including the maladies the health care  
provider treats, if the health care provider:
- 476 (A) does not guarantee any results regarding any health care service;
- 477 (B) fully discloses on the health care provider's website that the health care provider deviates from  
medical norms or established practices with a conspicuous statement; and
- 480 (C) includes the health care provider's contact information on the website.
- 481 (3) Unless otherwise specified by statute or administrative rule, in a civil or administrative proceeding  
commenced by the division under this title, a person subject to any of the unlawful and  
unprofessional conduct provisions of this title is strictly liable for each violation.
- 485 (4) The following are not evidence of engaging in unprofessional conduct under Subsection (2)(a)(iii):
- 487 (a) an arrest not followed by a conviction; or
- 488 (b) a conviction for which an individual's incarceration has ended more than [seven] five years before  
the date of the division's consideration, unless:
- 490 (i) after the incarceration the individual has engaged in additional conduct that results in another  
conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance  
pending the successful completion of probation; or
- 494 (ii) the conviction was for:
- 495 (A) a violent felony as defined in Section 76-3-203.5;
- 496 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual Offenses, or Title  
76, Chapter 5b, Sexual Exploitation Act; or
- 498 (C) a felony related to criminal fraud or embezzlement, including a felony under Title 76, Chapter 6,  
Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft; or
- 500 (D) a crime or a pattern of crimes that demonstrates a substantial potential to harm Utah patients or  
consumers, as may be determined by the director in a process defined by rule made in accordance  
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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## HB0167 compared with HB0167S02

- (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from medical norms or established practices if:
- 506 (a) the health care provider does not deviate outside of the health care provider's scope of practice and possesses the education, training, and experience to competently and safely administer the alternative health care service;
- 509 (b) the health care provider does not provide an alternative health care service that is otherwise contrary to any state or federal law;
- 511 (c) the alternative health care service has reasonable potential to be of benefit to the patient to whom the alternative health care service is to be given;
- 513 (d) the potential benefit of the alternative health care service outweighs the known harms or side effects of the alternative health care service;
- 515 (e) the alternative health care service is reasonably justified under the totality of the circumstances;
- 517 (f) after diagnosis but before providing the alternative health care service:
- 518 (i) the health care provider educates the patient on the health care services that are within the medical norms and established practices;
- 520 (ii) the health care provider discloses to the patient that the health care provider is recommending an alternative health care service that deviates from medical norms and established practices;
- 523 (iii) the health care provider discusses the rationale for deviating from medical norms and established practices with the patient;
- 525 (iv) the health care provider discloses any potential risks associated with deviation from medical norms and established practices; and
- 527 (v) the patient signs and acknowledges a notice of deviation; and
- 528 (g) before providing an alternative health care service, the health care provider discloses to the patient that the patient may enter into an agreement describing what would constitute the health care provider's negligence related to deviation.
- 531 (6) As used in this section, "notice of deviation" means a written notice provided by a health care provider to a patient that:
- 533 (a) is specific to the patient;
- 534 (b) indicates that the health care provider is deviating from medical norms or established practices in the health care provider's recommendation for the patient's treatment;

536

## HB0167 compared with HB0167S02

- (c) describes how the alternative health care service deviates from medical norms or established practices;
- 538 (d) describes the potential risks and benefits associated with the alternative health care service;
- 540 (e) describes the health care provider's reasonably justified rationale regarding the reason for the deviation; and
- 542 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to receive the alternative health care service which is outside medical norms and established practices.

545 Section 5. Section 64-13-6 is amended to read:

546 **64-13-6. Department duties.**

- 547 (1) The department shall:
  - 548 (a) protect the public through institutional care and confinement, and supervision in the community of offenders where appropriate;
  - 550 (b) implement court-ordered punishment of offenders;
  - 551 (c) provide evidence-based and evidence-informed program opportunities for offenders designed to reduce offenders' criminogenic and recidivism risks, including behavioral, cognitive, educational, and career-readiness program opportunities;
  - 554 (d) ensure that offender participation in all program opportunities described in Subsection (1)(c) is voluntary;
  - 556 (e) where appropriate, utilize offender volunteers as mentors in the program opportunities described in Subsection (1)(c);
  - 558 (f) provide treatment for sex offenders who are found to be treatable based upon criteria developed by the department;
  - 560 (g) provide the results of ongoing clinical assessment of sex offenders and objective diagnostic testing to sentencing and release authorities;
  - 562 (h) manage programs that take into account the needs and interests of victims, where reasonable;
  - 564 (i) supervise probationers and parolees as directed by statute and implemented by the courts and the Board of Pardons and Parole;
  - 566 (j) subject to Subsection (3), investigate criminal conduct involving offenders incarcerated in a state correctional facility;
  - 568 (k) cooperate and exchange information with other state, local, and federal law enforcement agencies to achieve greater success in prevention and detection of crime and apprehension of criminals;

## HB0167 compared with HB0167S02

- 571 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult Offender  
Supervision;
- 573 (m) establish a case action plan based on appropriate validated risk, needs, and responsivity assessments  
for each offender as follows:
- 575 (i)
- . (A) if an offender is to be supervised in the community, the department shall establish a case action  
plan for the offender no later than 60 days after the day on which the department's community  
supervision of the offender begins; and
- 578 (B) if the offender is committed to the custody of the department, the department shall establish a case  
action plan for the offender no later than 90 days after the day on which the offender is committed to  
the custody of the department;
- 581 (ii) each case action plan shall:
- 582 (A) integrate an individualized, evidence-based, and evidence-informed treatment and program plan  
with clearly defined completion requirements; and
- 584 (B) require that a case manager will:
- 585 (I) ensure that an assessment of the education level, occupational interests, and aptitudes of the inmate  
has been completed;
- 587 (II) refer the inmate to a higher education student advisor at an institution offering programs consistent  
with the inmate's interests and aptitudes for advisement on educational preferences and plans;
- 590 (III) incorporate the inmate's interests, aptitudes, and student advisement into an education plan  
consistent with the guidance provided by the Higher Education and Corrections Council created in  
Section 53B-35-201; and
- 593 (IV) refer the inmate to the student advisor at the institution called for in the case action plan for  
guidance and assistance with the education process;
- 595 (iii) the department shall share each newly established case action plan with the sentencing and release  
authority within 30 days after the day on which the case action plan is established; and
- 598 (iv) the department shall share any changes to a case action plan, including any change in an offender's  
risk assessment, with the sentencing and release authority within 30 days after the day of the  
change;
- 601 (n) ensure that an inmate has reasonable access to legal research;
- 602

## HB0167 compared with HB0167S02

- (o) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:
  - 606 (i) under this title;
  - 607 (ii) by the department; or
  - 608 (iii) by an agency or division within the department;
- 609 (p) when reporting on statewide recidivism, include the metrics and requirements described in Section 63M-7-102;
- 611 (q) create a reentry division that focuses on the successful reentry of inmates into the community;
- 613 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are necessary for the Board of Pardons and Parole to make necessary determinations regarding an inmate; and
- 616 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics are:
  - 618 (i) complete and updated in a timely manner; and
  - 619 (ii) when applicable, shared with the Board of Pardons and Parole in a timely manner.
- 620 (2) The department may in the course of supervising probationers and parolees:
  - 621 (a) respond to an individual's violation of one or more terms of the probation or parole in accordance with the graduated and evidence-based processes established by the adult sentencing and supervision length guidelines, as defined in Section 63M-7-401.1; and
  - 624 (b) upon approval by the court or the Board of Pardons and Parole, impose as a sanction for an individual's violation of the terms of probation or parole a period of incarceration of not more than three consecutive days and not more than a total of five days within a period of 30 days.
- 628 (3)
  - . (a) By following the procedures in Subsection (3)(b), the department may investigate the following occurrences at state correctional facilities:
    - 630 (i) criminal conduct of departmental employees;
    - 631 (ii) felony crimes resulting in serious bodily injury;
    - 632 (iii) death of any person; or
    - 633 (iv) aggravated kidnaping.
  - 634 (b) Before investigating any occurrence specified in Subsection (3)(a), the department shall:
    - 636 (i) notify the sheriff or other appropriate law enforcement agency promptly after ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a) has occurred; and

## HB0167 compared with HB0167S02

- 639 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to conduct an  
investigation involving an occurrence specified in Subsection (3)(a).
- 641 (4) Upon request, the department shall provide copies of investigative reports of criminal conduct to the  
sheriff or other appropriate law enforcement agencies.
- 643 (5)
- . (a) The executive director of the department, or the executive director's designee if the designee  
possesses expertise in correctional programming, shall consult at least annually with cognitive and  
career-readiness staff experts from the Utah system of higher education and the State Board of  
Education to review the department's evidence-based and evidence-informed treatment and program  
opportunities.
- 648 (b) Beginning in the 2022 interim, the department shall provide an annual report to the Law  
Enforcement and Criminal Justice Interim Committee regarding:
- 650 (i) the department's implementation of and offender participation in evidence-based and evidence-  
informed treatment and program opportunities designed to reduce the criminogenic and recidivism  
risks of offenders over time; and
- 653 (ii) the progress of the department's implementation of the inmate program requirements described in  
Section 64-13-50.
- 655 (6)
- . (a) As used in this Subsection (6):
- 656 (i) "Accounts receivable" means any amount owed by an offender arising from a criminal judgment  
that has not been paid.
- 658 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures, surcharges, costs,  
interest, penalties, restitution to victims, third-party claims, claims, reimbursement of a reward,  
and damages that an offender is ordered to pay.
- 662 (b) The department shall collect and disburse, with any interest and any other costs assessed under  
Section 64-13-21, an accounts receivable for an offender during:
- 664 (i) the parole period and any extension of that period in accordance with Subsection (6)(c); and
- 666 (ii) the probation period for which the court orders supervised probation and any extension of that  
period by the department in accordance with Subsection 77-18-105(7).
- 669 (c)
- .

## HB0167 compared with HB0167S02

- (i) If an offender has an unpaid balance of the offender's accounts receivable at the time that the offender's sentence expires or terminates, the department shall be referred to the sentencing court for the sentencing court to enter a civil judgment of restitution and a civil accounts receivable as described in Section 77-18-114.
- 673 (ii) If the board makes an order for restitution within 60 days from the day on which the offender's sentence expires or terminates, the board shall refer the order for restitution to the sentencing court to be entered as a civil judgment of restitution as described in Section 77-18-114.
- 677 (d) This Subsection (6) only applies to offenders sentenced before July 1, 2021.
- 678 (7)
- . (a) The department may procure or adopt technology services to facilitate the coordination of services and enhance accountability with agencies, local partners, and community-based organizations that are involved with assisting individuals on probation or parole.
- 682 (b) If possible, the technology services described in Subsection (7)(a) shall:
- 683 (i) maintain a single, secure client record with a unique identifier to ensure seamless coordination and reduce duplication of services;
- 685 (ii) notify authorized users of incoming service requests or referrals;
- 686 (iii) provide secure access to information necessary to understanding and addressing the needs of an individual, including the individual's service and care history;
- 688 (iv) allow authorized users to exchange information with referring or collaborating organizations through a secure and live chat feature; and
- 690 (v) send and track individual referrals, store referral outcomes, and document services provided.

692 Section 6. Section 6 is enacted to read:

287

### CHAPTER 13h. Rehabilitation and Re-entry

#### ServicesREHABILITATION AND REENTRY SERVICES

##### 694 **64-13h-101. Definitions.**

As used in this chapter:

- 290 (1) "Account" means the Rehabilitation and {Re-entry} Reentry Services Restricted Account created in Section 64-13h-102.
- 292 (2) "Department" means the Department of Corrections.
- 293 (3) "Offender" means the same as that term is defined in Section 64-13-1.

## HB0167 compared with HB0167S02

700 Section 7. Section 7 is enacted to read:

701 **64-13h-102. Creation of Rehabilitation and {Re-entry} Reentry Services Restricted**  
**Account.**

- 297 (1) There is created a restricted account within the General Fund known as the Rehabilitation and {Re-  
entry} Reentry Services Restricted Account.
- 299 (2) The account includes:
- 300 (a) private donations, grants, gifts, bequests, or money made available from any other source to  
implement this section and Section 64-13h-103;
- 302 (b) money appropriated to the account by the Legislature; and
- 303 (c) any interest earned on the account.
- 304 (3) The department shall administer the account for the purposes described in Section 64-13h-103.
- 306 (4) Upon appropriation by the Legislature, the department shall use money in the account as described  
in Section 64-13h-103.

714 Section 8. Section 8 is enacted to read:

715 **64-13h-103. Uses of Rehabilitation and {Re-entry} Reentry Services Restricted Account.**

- 311 (1) Account funds shall be used to provide direct services to offenders that will increase the likelihood  
of successful reintegration into the general public and decrease the likelihood of recidivism, which  
may include:
- 314 (a) educational services;
- 315 (b) job skills training;
- 316 (c) life skills training;
- 317 (d) apprenticeships;
- 318 (e) job placement assistance;
- 319 (f) assistance with affordable housing or supervised or transitional housing services;
- 320 (g) substance use treatment, mental health services, or physical health services; or
- 321 (h) case worker access, before or after leaving incarceration.
- 322 (2) The department may expend money from the account to offset actual department expenses related to  
administering this section.

730 Section . **FY 2026 Appropriations.**

731 The following sums of money are appropriated for the fiscal year beginning July 1,  
732 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for

## HB0167 compared with HB0167S02

733 fiscal year 2026.

734 Subsection 9(a). **Operating and Capital Budgets**

735 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
736 Legislature appropriates the following sums of money from the funds or accounts indicated for  
737 the use and support of the government of the state of Utah.

738 To Utah Department of Corrections - Administration

739 2,000,000

741 Schedule of Programs:

742 2,000,000

743 Section 10. **Effective date.**

This bill takes effect:

326 (1) except as provided in Subsection (2), May 7, 2025; or

327 (2) if approved by two-thirds of all members elected to each house:

328 (a) upon approval by the governor;

329 (b) without the governor's signature, the day following the constitutional time limit of Utah  
Constitution, Article VII, Section 8; or

331 (c) in the case of a veto, the date of veto override.

2-10-25 3:33 PM