

Correctional Health Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

LONG TITLE**Committee Note:**

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 14 voting for 0 voting against 5 absent

General Description:

This bill addresses correctional health care.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health and Human Services (department) to contract with a telehealth psychiatric consultation provider to provide consultation services to staff responsible for inmates' psychiatric care;
- ▶ requires the department to convene a working group to study the department's needs regarding an electronic health record system for inmate health care and, if the current electronic health record system does not meet the department's needs, requires the department to contract for a new system;
- ▶ requires the department to contract with psychiatrists to meet staffing needs for correctional health services, except under certain circumstances;
- ▶ requires the department to provide an annual report to the Health and Human Services Interim Committee concerning the provision of comprehensive health care to inmates;
- ▶ provides that money appropriated to the department to pay for unanticipated high-cost correctional health expenses is non-lapsing;
- ▶ requires the department, in consultation with the Department of Corrections, to prepare and implement a plan for providing substance use disorder treatment to all inmates who suffer from a substance use disorder, and requires the Department of Corrections to cooperate with the department in providing medication assisted treatment pursuant to that plan;
- ▶ allows the director of the Division of Human Resource Management to create a classification plan for employee positions responsible for providing comprehensive

32 health care to inmates in a correctional facility that accounts for the specific challenges
 33 of providing health care in a correctional facility;

34 ▶ allows the Board of Pardons and Parole (board) to appoint a designated examiner and to
 35 consider designated examiners' reports when considering when and under what
 36 conditions an offender may be paroled, and allows the board to require assisted
 37 outpatient treatment as a condition of parole; and
 38 ▶ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 This bill appropriates \$13,000,000 in operating and capital budgets for fiscal year 2026,
 41 including:

42 ▶ \$2,340,000 from General Fund; and
 43 ▶ \$10,660,000 from various sources as detailed in this bill.

44 This bill appropriates (\$1,800,000) in restricted fund and account transfers for fiscal year 2026,
 45 all of which is from the General Fund.

46 **Other Special Clauses:**

47 None

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **26B-1-235**, as renumbered and amended by Laws of Utah 2023, Chapter 305
 51 **26B-1-410**, as renumbered and amended by Laws of Utah 2023, Chapter 305
 52 **63A-17-307**, as last amended by Laws of Utah 2023, Chapter 489
 53 **63I-2-264**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5
 54 **64-13-25.1**, as enacted by Laws of Utah 2024, Chapter 266
 55 **77-27-5**, as last amended by Laws of Utah 2024, Chapters 145, 187 and 208
 56 **77-27-7**, as last amended by Laws of Utah 2024, Chapters 144, 145

57 ENACTS:

58 **26B-4-901**, Utah Code Annotated 1953
 59 **26B-4-903**, Utah Code Annotated 1953
 60 **26B-4-904**, Utah Code Annotated 1953
 61 **26B-4-905**, Utah Code Annotated 1953
 62 **26B-4-906**, Utah Code Annotated 1953

63 RENUMBERS AND AMENDS:

64 **26B-4-902**, (Renumbered from 26B-4-325, as last amended by Laws of Utah 2024,
 65 Chapter 266)

66
67 *Be it enacted by the Legislature of the state of Utah:*

68 Section 1. Section **26B-1-235** is amended to read:

69 **26B-1-235 . Request for proposal required for non-state supplied services.**

70 [~~(1)~~ As used in this section:]

71 [~~(a)~~ "AED" means the same as that term is defined in Section 26B-4-325.]

72 [~~(b)~~ "Office" means the Office of Emergency Medical Services and Preparedness within
73 the department.]

74 [~~(c)~~ "Sudden cardiac arrest" means the same as that term is defined in Section 26B-4-325.]

75 [~~(2)~~] (1) Funds provided to the department through Sections 51-9-201 and 59-14-204 to be
76 used to provide services, shall be awarded to non-governmental entities based on a
77 competitive process consistent with Title 63G, Chapter 6a, Utah Procurement Code.

78 [~~(3)~~] (2) Beginning July 1, 2010, and not more than every five years thereafter, the
79 department shall issue requests for proposals for new or renewing contracts to award
80 funding for programs under Subsection (1).

81 Section 2. Section **26B-1-410** is amended to read:

82 **26B-1-410 . Primary Care Grant Committee.**

83 (1) As used in this section:

84 (a) "Committee" means the Primary Care Grant Committee created in Subsection (2).

85 (b) "Program" means the Primary Care Grant Program described in Sections 26B-4-310
86 and 26B-4-313.

87 (2) There is created the Primary Care Grant Committee.

88 (3) The committee shall:

89 (a) review grant applications forwarded to the committee by the department under
90 Subsection 26B-4-312(1);

91 (b) recommend, to the executive director, grant applications to award under Subsection
92 26B-4-310(1);

93 (c) evaluate:

94 (i) the need for primary health care as defined in Section 26B-4-325 in different areas
95 of the state;

96 (ii) how the program is addressing those needs; and

97 (iii) the overall effectiveness and efficiency of the program;

98 (d) review annual reports from primary care grant recipients;

99 (e) meet as necessary to carry out its duties, or upon a call by the committee chair or by

- 100 a majority of committee members; and
- 101 (f) make rules, with the concurrence of the department, in accordance with Title 63G,
102 Chapter 3, Utah Administrative Rulemaking Act, that govern the committee,
103 including the committee's grant selection criteria.
- 104 (4) The committee shall consist of:
- 105 (a) as chair, the executive director or an individual designated by the executive director;
106 and
- 107 (b) six members appointed by the governor to serve up to two consecutive, two-year
108 terms of office, including:
- 109 (i) four licensed health care professionals; and
- 110 (ii) two community advocates who are familiar with a medically underserved
111 population as defined in Section [26B-4-325] 26B-4-301 and with health care
112 systems, where at least one is familiar with a rural medically underserved
113 population.
- 114 (5) The executive director may remove a committee member:
- 115 (a) if the member is unable or unwilling to carry out the member's assigned
116 responsibilities; or
- 117 (b) for a rational reason.
- 118 (6) A committee member may not receive compensation or benefits for the member's
119 service, except a committee member who is not an employee of the department may
120 receive per diem and travel expenses in accordance with:
- 121 (a) Section 63A-3-106;
- 122 (b) Section 63A-3-107; and
- 123 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
124 63A-3-107.
- 125 Section 3. Section **26B-4-901** is enacted to read:

126 **Part 9. Inmate Health**

127 **26B-4-901 . Definitions.**

128 As used in this part:

- 129 (1) "Correctional facility" means a facility operated to house inmates in a secure or
130 nonsecure setting:
- 131 (a) by the Department of Corrections; or
- 132 (b) under a contract with the Department of Corrections.

- 133 (2) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- 134 (3) "Inmate" means an individual who is:
- 135 (a) committed to the custody of the Department of Corrections; and
- 136 (b) housed at a correctional facility or at a county jail at the request of the Department of
- 137 Corrections.
- 138 (4) "Medical monitoring technology" means a device, application, or other technology that
- 139 can be used to improve health outcomes and the experience of care for patients,
- 140 including evidence-based clinically evaluated software and devices that can be used to
- 141 monitor and treat diseases and disorders.
- 142 (5) "Medication assisted treatment" means the use of a medication, such as buprenorphine,
- 143 methadone, or naltrexone, to treat substance use withdrawal symptoms or an opioid use
- 144 disorder.
- 145 (6) "Substance use disorder" means the same as that term is defined in the current edition of
- 146 the Diagnostic and Statistical Manual of Mental Disorders published by the American
- 147 Psychiatric Association.
- 148 (7) "Telehealth psychiatric consultation" means the same as that term is defined in Section
- 149 26B-1-328.
- 150 (8) "Terminally ill" means the same as that term is defined in Section 31A-36-102.
- 151 (9) "Unanticipated high-cost correctional health care" means inmate health care costs that:
- 152 (a) the department is obligated to pay;
- 153 (b) were not and could not reasonably have been foreseen when creating the
- 154 department's correctional health budget for the relevant fiscal year; and
- 155 (c) exceed \$100,000 for a single inmate.

156 Section 4. Section **26B-4-902**, which is renumbered from Section 26B-4-325 is renumbered
157 and amended to read:

158 **~~[26B-4-325]~~ 26B-4-902 . Medical care for inmates -- Reporting of statistics.**

159 [As used in this section:]

160 [(1) "Correctional facility" means a facility operated to house inmates in a secure or
161 nonsecure setting:]

162 [(a) by the Department of Corrections; or]

163 [(b) under a contract with the Department of Corrections.]

164 [(2) "Health care facility" means the same as that term is defined in Section 26B-2-201.]

165 [(3) "Inmate" means an individual who is:]

166 [(a) committed to the custody of the Department of Corrections; and]

167 ~~[(b) housed at a correctional facility or at a county jail at the request of the~~
 Department of
 168 ~~Corrections.]~~
 169 ~~[(4) "Medical monitoring technology" means a device, application, or~~
 other technology
 170 ~~that can be used to improve health outcomes and the experience of care~~
 for patients,
 171 ~~including evidence-based clinically evaluated software and devices that~~
 can be used to
 172 ~~monitor and treat diseases and disorders.]~~
 173 ~~[(5) "Terminally ill" means the same as that term is defined in Section~~
 31A-36-102.]

174 ~~[(6)]~~ (1) The department shall:

- 175 (a) for each health care facility owned or operated by the Department of Corrections,
 176 assist the Department of Corrections in complying with Section 64-13-39;
 177 (b) in coordination with the Department of Corrections, and as the Department of
 178 Correction's agent:
 179 (i) create policies and procedures for providing comprehensive health care to inmates;
 180 (ii) provide inmates with comprehensive health care; and
 181 (iii) develop standard population indicators and performance measures relating to the
 182 health of inmates;~~[-and]~~
 183 (c) collaborate with the Department of Corrections to comply with Section 64-13-25.1[-] ;
 184 and
 185 (d) contract with a telehealth psychiatric consultation provider to provide consultation
 186 services to staff responsible for inmates' psychiatric care.

187 ~~[(7)]~~ (2) In providing the comprehensive health care described in Subsection ~~[(6)(b)(ii)]~~
 188 ~~(1)(b)(ii)~~, the department may not, without entering into an agreement with the
 189 Department of Corrections, provide, operate, or manage any treatment plans for inmates
 190 that are:

- 191 (a) required to be provided, operated, or managed by the Department of Corrections in
 192 accordance with Section 64-13-6; and
 193 (b) not related to the comprehensive health care provided by the department.

194 ~~[(8)]~~ (3) Beginning July 1, 2023, and ending June 30, 2024, the department shall:

- 195 (a) evaluate and study the use of medical monitoring technology and create a plan for a

196 pilot program that identifies:

197 (i) the types of medical monitoring technology that will be used during the pilot
198 program; and

199 (ii) eligibility for participation in the pilot program; and

200 (b) make the indicators and performance measures described in Subsection [~~(6)(b)(iii)~~]
201 (1)(b)(iii) available to the public through the Department of Corrections and the
202 department websites.

203 [~~(9)~~] (4) Beginning July 1, 2024, and ending June 30, 2029, the department shall implement
204 the pilot program.

205 [~~(10)~~] (5) The department shall submit to the Health and Human Services Interim
206 Committee and the Law Enforcement and Criminal Justice Interim Committee:

207 (a) a report on or before October 1 of each year regarding the costs and benefits of the
208 pilot program;

209 (b) a report that summarizes the indicators and performance measures described in
210 Subsection [~~(6)(b)(iii)~~] (1)(b)(iii) on or before October 1, 2024; and

211 (c) an updated report before October 1 of each year that compares the indicators and
212 population measures of the most recent year to the initial report described in
213 Subsection [~~(10)(b)~~] (5)(b).

214 [~~(11)~~] (6) An inmate receiving comprehensive health care from the department remains in
215 the custody of the Department of Corrections.

216 Section 5. Section **26B-4-903** is enacted to read:

217 **26B-4-903 . Electronic health record system.**

218 (1) On or before June 30, 2025, the department shall convene a working group to study and
219 develop recommendations regarding the electronic health record system used in
220 connection with providing inmates with comprehensive health care, including:

221 (a) identification of the department's electronic health record system requirements;

222 (b) an analysis of what features of an electronic health record system are needed to
223 maximize the implementation, effectiveness, and efficiency of the waiver described
224 in Section 26B-3-217; and

225 (c) a determination of whether the department's current electronic health record system
226 meets the requirements and includes the features identified under Subsections (1)(a)
227 and (b).

228 (2) The working group described in Subsection (1) shall include department staff as
229 determined by the director.

230 (3) If the working group determines that the department's current electronic health record
231 system does not meet the department's requirements identified pursuant to Subsection
232 (1)(a) or does not include the features identified under Subsection (1)(b), the department
233 shall contract for an electronic health record system, in accordance with Title 63G,
234 Chapter 6a, Utah Procurement Code, that meets the requirements and has the features
235 identified pursuant to Subsections (1)(a) and (b).

236 Section 6. Section **26B-4-904** is enacted to read:

237 **26B-4-904 . Staffing -- Reporting.**

238 (1)(a) Except as provided in Subsection (1)(b), the department shall contract with
239 psychiatrists to ensure that all correctional psychiatric positions are filled.

240 (b) If all correctional psychiatric positions are filled by internal staff for six continuous
241 months:

242 (i) the department shall submit a certification of that fact to the Health and Human
243 Services Interim Committee; and

244 (ii) the department is exempt from the requirement in Subsection (1)(a) for a period
245 of 24 months from the date the certification is submitted to the Health and Human
246 Services Interim Committee.

247 (2) On or before September 1 each year, the department shall provide a report to the Health
248 and Human Services Interim Committee that includes, for the fiscal year immediately
249 preceding the report:

250 (a) a description of the staff positions responsible for providing comprehensive health
251 care to inmates, including an identification of any staff position that was open for
252 more than half of the preceding fiscal year;

253 (b) the average time after admission for an inmate to receive:

254 (i) an initial health assessment;

255 (ii) a mental health evaluation; and

256 (iii) an oral examination by a dentist;

257 (c) the number of inmates who did not receive an initial health assessment within seven
258 days after admission;

259 (d) the number of inmates who did not receive a mental health evaluation within 30 days
260 after admission;

261 (e) the number of inmates who did not receive an oral examination by a dentist within 30
262 days after admission;

263 (f) the average time for an inmate to have a face-to-face encounter with department staff

264 after the inmate submits a health care request; and
 265 (g) the number of inmates who did not have a face-to-face encounter with department
 266 staff within 24 hours after the inmate submitted a health care request.

267 Section 7. Section **26B-4-905** is enacted to read:

268 **26B-4-905 . Nonlapsing funds.**

269 (1) Funds appropriated by the Legislature to the department for the purpose of paying for
 270 unanticipated high-cost correctional health care:

271 (a) are nonlapsing; and

272 (b) may only be used to pay for health care costs that meet the definition of
 273 unanticipated high-cost correctional health care.

274 (2) In any year that the department uses funds for the purpose described in Subsection (1),
 275 the department shall provide a report to the Social Services Appropriations
 276 Subcommittee and the Health and Human Services Interim Committee that includes:

277 (a) the amount expended; and

278 (b) the balance of unexpended funds appropriated to the department for unanticipated
 279 high-cost correctional health care.

280 Section 8. Section **26B-4-906** is enacted to read:

281 **26B-4-906 . Treatment for substance use disorder.**

282 (1) The department, in consultation with the Department of Corrections, shall prepare and
 283 implement a plan to provide, in accordance with current medical standards, substance
 284 use disorder treatment to all inmates who suffer from a substance use disorder.

285 (2) The plan described in Subsection (1) shall include the use of medication assisted
 286 treatment as medically necessary.

287 (3) The department shall consult and may contract with addiction specialists at the
 288 Huntsman Mental Health Institute to prepare and implement the plan described in
 289 Subsection (1).

290 (4) The department shall provide an annual report on the preparation and implementation of
 291 the plan described in Subsection (1) to the Health and Human Services Interim
 292 Committee on or before the date of the committee's August interim meeting.

293 Section 9. Section **63A-17-307** is amended to read:

294 **63A-17-307 . State pay plans -- Applicability of section -- Exemptions -- Duties of**
 295 **director.**

296 (1)(a) This section, and the rules made by the division under this section, apply to each
 297 career and noncareer employee not specifically exempted under Subsection (2).

- 298 (b) If not exempted under Subsection (2), an employee is considered to be in classified
299 service.
- 300 (2) The following employees are exempt from this section:
- 301 (a) members of the Legislature and legislative employees;
- 302 (b) members of the judiciary and judicial employees;
- 303 (c) elected members of the executive branch and employees designated as schedule AC
304 as provided under Subsection 63A-17-301(1)(c);
- 305 (d) employees of the State Board of Education;
- 306 (e) officers, faculty, and other employees of state institutions of higher education;
- 307 (f) employees in a position that is specified by statute to be exempt from this Subsection
308 (2);
- 309 (g) employees in the Office of the Attorney General;
- 310 (h) department heads and other persons appointed by the governor under statute;
- 311 (i) schedule AS employees as provided under Subsection 63A-17-301(1)(m);
- 312 (j) department deputy directors, division directors, and other employees designated as
313 schedule AD as provided under Subsection 63A-17-301(1)(d);
- 314 (k) employees that determine and execute policy designated as schedule AR as provided
315 under Subsection 63A-17-301(1)(l);
- 316 (l) teaching staff, educational interpreters, and educators designated as schedule AH as
317 provided under Subsection 63A-17-301(1)(g);
- 318 (m) temporary employees described in Subsection 63A-17-301(1)(r);
- 319 (n) patients and inmates designated as schedule AU as provided under Subsection
320 63A-17-301(1)(o) who are employed by state institutions; and
- 321 (o) members of state and local boards and councils and other employees designated as
322 schedule AQ as provided under Subsection 63A-17-301(1)(k).
- 323 (3)(a) The director shall prepare, maintain, and revise a position classification plan for
324 each employee position not exempted under Subsection (2) to provide equal pay for
325 equal work.
- 326 (b) Classification of positions shall be based upon similarity of duties performed and
327 responsibilities assumed, so that the same job requirements and the same salary
328 range, subject to Section 63A-17-112, may be applied equitably to each position in
329 the same class.
- 330 (c) The director shall allocate or reallocate the position of each employee in classified
331 service to one of the classes in the classification plan.

- 332 (d)(i) The division shall conduct periodic studies and interviews to provide that the
333 classification plan remains reasonably current and reflects the duties and
334 responsibilities assigned to and performed by employees.
- 335 (ii) The director shall determine the need for studies and interviews after considering
336 factors such as changes in duties and responsibilities of positions or agency
337 reorganizations.
- 338 (e) In accordance with Subsections (3)(a) and (b), and in consultation with the
339 Department of Health and Human Services and the Department of Corrections, the
340 director may create a classification plan for employee positions responsible for
341 providing comprehensive health care to inmates in a correctional facility, as those
342 terms are defined in Section 26B-4-901, that accounts for the specific challenges of
343 providing health care in a correctional facility.
- 344 (4)(a) With the approval of the executive director and the governor, the director shall
345 develop and adopt pay plans for each position in classified service.
- 346 (b) The director shall design each pay plan to achieve, to the degree that funds permit,
347 comparability of state salary ranges to the market using data obtained from private
348 enterprise and other public employment for similar work.
- 349 (c) The director shall adhere to the following in developing each pay plan:
- 350 (i) each pay plan shall consist of sufficient salary ranges to:
- 351 (A) permit adequate salary differential among the various classes of positions in
352 the classification plan; and
- 353 (B) reflect the normal growth and productivity potential of employees in that class.
- 354 (ii) The director shall issue rules for the administration of pay plans.
- 355 (d) The establishing of a salary range is a nondelegable activity and is not appealable
356 under the grievance procedures of Part 6, Grievance Provisions, Title 67, Chapter
357 19a, Grievance Procedures, or otherwise.
- 358 (e) The director shall make rules, accordance with Title 63G, Chapter 3, Utah
359 Administrative Rulemaking Act, providing for:
- 360 (i) agency approved salary adjustments within approved salary ranges, including an
361 administrative salary adjustment; and
- 362 (ii) structure adjustments that modify salary ranges, including a cost of living
363 adjustment or market comparability adjustment.
- 364 (5)(a) On or before October 31 of each year, the director shall submit an annual
365 compensation plan to the executive director and the governor for consideration in the

- 366 executive budget and to the State Employee Benefits Advisory Commission created
367 in Section 63C-31-102.
- 368 (b) The plan described in Subsection (5)(a) may include recommendations, including:
- 369 (i) salary increases that generally affect employees, including a general increase or
370 merit increase;
- 371 (ii) salary increases that address compensation issues unique to an agency or
372 occupation;
- 373 (iii) structure adjustments, including a cost of living adjustment or market
374 comparability adjustment; or
- 375 (iv) changes to employee benefits.
- 376 (c)(i)(A) Subject to Subsection (5)(c)(i)(B) or (C), the director shall incorporate
377 the results of a salary survey of a reasonable cross section of comparable
378 positions in private and public employment in the state into the annual
379 compensation plan.
- 380 (B) The salary survey for a law enforcement officer, as defined in Section
381 53-13-103, a correctional officer, as defined in Section 53-13-104, or a
382 dispatcher, as defined in Section 53-6-102, shall at minimum include the three
383 largest political subdivisions in the state that employ, respectively, comparable
384 positions.
- 385 (C) The salary survey for an examiner or supervisor described in Title 7, Chapter
386 1, Part 2, Department of Financial Institutions, shall at minimum include the
387 Federal Deposit Insurance Corporation, Federal Reserve, and National Credit
388 Union Administration.
- 389 (ii) The director may cooperate with or participate in any survey conducted by other
390 public and private employers.
- 391 (iii) The director shall obtain information for the purpose of constructing the survey
392 from the Division of Workforce Information and Payment Services and shall
393 include employer name, number of persons employed by the employer, employer
394 contact information and job titles, county code, and salary if available.
- 395 (iv) The division shall acquire and protect the needed records in compliance with the
396 provisions of Section 35A-4-312.
- 397 (d) The director may incorporate any other relevant information in the plan described in
398 Subsection (5)(a), including information on staff turnover, recruitment data, or
399 external market trends.

- 400 (e) The director shall:
- 401 (i) establish criteria to assure the adequacy and accuracy of data used to make
- 402 recommendations described in this Subsection (5); and
- 403 (ii) when preparing recommendations use accepted methodologies and techniques
- 404 similar to and consistent with those used in the private sector.
- 405 (f)(i) Upon request and subject to Subsection (5)(f)(ii), the division shall make
- 406 available foundational information used by the division or director in the drafting
- 407 of a plan described in Subsection (5)(a), including:
- 408 (A) demographic and labor market information;
- 409 (B) information on employee turnover;
- 410 (C) salary information;
- 411 (D) information on recruitment; and
- 412 (E) geographic data.
- 413 (ii) The division may not provide under Subsection (5)(f)(i) information or other data
- 414 that is proprietary or otherwise protected under the terms of a contract or by law.
- 415 (g) The governor shall:
- 416 (i) consider salary and structure adjustments recommended under Subsection (5)(b)
- 417 in preparing the executive budget and shall recommend the method of distributing
- 418 the adjustments;
- 419 (ii) submit compensation recommendations to the Legislature; and
- 420 (iii) support the recommendation with schedules indicating the cost to individual
- 421 departments and the source of funds.
- 422 (h) If funding is approved by the Legislature in a general appropriations act, the
- 423 adjustments take effect on the July 1 following the enactment unless otherwise
- 424 indicated.
- 425 (6)(a) The director shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 426 Administrative Rulemaking Act, for the granting of incentive awards, including
- 427 awards for cost saving actions, awards for commendable actions by an employee, or a
- 428 market-based award to attract or retain employees.
- 429 (b) An agency may not grant a market-based award unless the award is previously
- 430 approved by the division.
- 431 (c) In accordance with Subsection (6)(b), an agency requesting the division's approval of
- 432 a market-based award shall submit a request and documentation, subject to
- 433 Subsection (6)(d), to the division.

- 434 (d) In the documentation required in Subsection (6)(c), the requesting agency shall
 435 identify for the division:
- 436 (i) any benefit the market-based award would provide for the agency, including:
 437 (A) budgetary advantages; or
 438 (B) recruitment advantages;
- 439 (ii) a mission critical need to attract or retain unique or hard to find skills in the
 440 market; or
- 441 (iii) any other advantage the agency would gain through the utilization of a
 442 market-based award.
- 443 (7)(a) The director shall regularly evaluate the total compensation program of state
 444 employees in the classified service.
- 445 (b) The division shall determine if employee benefits are comparable to those offered by
 446 other private and public employers using information from:
- 447 (i) a study conducted by a third-party consultant; or
 448 (ii) the most recent edition of a nationally recognized benefits survey.
- 449 Section 10. Section **63I-2-264** is amended to read:
 450 **63I-2-264 . Repeal dates: Title 64.**
- 451 Section [~~64-13-25.1(4)~~] 64-13-25.1(5), regarding reporting on continuation or
 452 discontinuation of a medication assisted treatment plan, is repealed July 1, 2026.
- 453 Section 11. Section **64-13-25.1** is amended to read:
 454 **64-13-25.1 . Medication assisted treatment plan.**
- 455 (1) As used in this section, "medication assisted treatment plan" means a prescription plan
 456 to use a medication, such as buprenorphine, methadone, or naltrexone, to treat substance
 457 use withdrawal symptoms or an opioid use disorder.
- 458 (2) In collaboration with the Department of Health and Human Services the department
 459 may cooperate with medical personnel to continue a medication assisted treatment plan
 460 for an inmate who had an active medication assisted treatment plan within the last six
 461 months before being committed to the custody of the department.
- 462 (3) The department shall cooperate with the Department of Health and Human Services and
 463 relevant medical personnel in providing medication assisted treatment in accordance
 464 with the substance use disorder plan described in Subsection 26B-4-906(1).
- 465 [(3)] (4) A medication used for a medication assisted treatment plan under Subsection (2):
 466 (a) shall be an oral, short-acting medication unless the chief administrative officer or
 467 other medical personnel who is familiar with the inmate's medication assisted

- 468 treatment plan determines that a long-acting, non-oral medication will provide a
 469 greater benefit to the individual receiving treatment;
- 470 (b) may be administered to an inmate under the direction of the chief administrative
 471 officer of the correctional facility;
- 472 (c) may, as funding permits, be paid for by the department or the Department of Health
 473 and Human Services; and
- 474 (d) may be left or stored at a correctional facility at the discretion of the chief
 475 administrative officer of the correctional facility.

476 [~~4~~] (5) Before November 30 each year, the Department of Health and Human Services
 477 shall provide a report to the Health and Human Services Interim Committee that details,
 478 for each category, the number of individuals in the custody of the department who, in
 479 the preceding 12 months:

- 480 (a) had an active medication assisted treatment plan within the six months preceding
 481 commitment to the custody of the department;
- 482 (b) continued a medication assisted treatment plan following commitment to the custody
 483 of the department; and
- 484 (c) discontinued a medication assisted treatment plan prior to, at the time of, or after
 485 commitment to the custody of the department and, as available, the type of
 486 medication discontinued and the reason for the discontinuation.

487 Section 12. Section **77-27-5** is amended to read:

488 **77-27-5 . Board of Pardons and Parole authority.**

- 489 (1)(a) Subject to this chapter and other laws of the state, and except for a conviction for
 490 treason or impeachment, the board shall determine by majority decision when and
 491 under what conditions an offender's conviction may be pardoned or commuted.
- 492 (b) The board shall determine by majority decision when and under what conditions an
 493 offender committed to serve a sentence at a penal or correctional facility, which is
 494 under the jurisdiction of the department, may:
- 495 (i) be released upon parole;
- 496 (ii) have a fine or forfeiture remitted;
- 497 (iii) have the offender's criminal accounts receivable remitted in accordance with
 498 Section 77-32b-105 or 77-32b-106;
- 499 (iv) have the offender's payment schedule modified in accordance with Section
 500 77-32b-103; or
- 501 (v) have the offender's sentence terminated.

- 502 (c) The board shall prioritize public safety when making a determination under
503 Subsection (1)(a) or (1)(b).
- 504 (d)(i) The board may sit together or in panels to conduct hearings.
- 505 (ii) The chair shall appoint members to the panels in any combination and in
506 accordance with rules made by the board in accordance with Title 63G, Chapter 3,
507 Utah Administrative Rulemaking Act.
- 508 (iii) The chair may participate on any panel and when doing so is chair of the panel.
- 509 (iv) The chair of the board may designate the chair for any other panel.
- 510 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in
511 an open session, the board may not:
- 512 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
513 receivable;
- 514 (B) release the offender on parole; or
- 515 (C) commute, pardon, or terminate an offender's sentence.
- 516 (ii) An action taken under this Subsection (1) other than by a majority of the board
517 shall be affirmed by a majority of the board.
- 518 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 519 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing
520 shall be given to the offender.
- 521 (b) The county or district attorney's office responsible for prosecution of the case, the
522 sentencing court, and law enforcement officials responsible for the defendant's arrest
523 and conviction shall be notified of any board hearings through the board's website.
- 524 (c) Whenever possible, the victim or the victim's representative, if designated, shall be
525 notified of original hearings and any hearing after that if notification is requested and
526 current contact information has been provided to the board.
- 527 (d)(i) Notice to the victim or the victim's representative shall include information
528 provided in Section 77-27-9.5, and any related rules made by the board under that
529 section.
- 530 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
531 reasonable for the lay person to understand.
- 532 (3)(a) A decision by the board is final and not subject for judicial review if the decision
533 is regarding:
- 534 (i) a pardon, parole, commutation, or termination of an offender's sentence;
- 535 (ii) the modification of an offender's payment schedule for restitution; or

- 536 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 537 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter
- 538 4, Open and Public Meetings Act, when the board is engaged in the board's
- 539 deliberative process.
- 540 (c) Pursuant to Subsection 63G-2-103(25)(b)(xi), records of the deliberative process are
- 541 exempt from Title 63G, Chapter 2, Government Records Access and Management
- 542 Act.
- 543 (d) Unless it will interfere with a constitutional right, deliberative processes are not
- 544 subject to disclosure, including discovery.
- 545 (e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.
- 546 (4)(a) This chapter may not be construed as a denial of or limitation of the governor's
- 547 power to grant respite or reprieves in all cases of convictions for offenses against the
- 548 state, except treason or conviction on impeachment.
- 549 (b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the
- 550 next session of the board.
- 551 (c) At the next session of the board, the board:
- 552 (i) shall continue or terminate the respite or reprieve; or
- 553 (ii) may commute the punishment or pardon the offense as provided.
- 554 (d) In the case of conviction for treason, the governor may suspend execution of the
- 555 sentence until the case is reported to the Legislature at the Legislature's next session.
- 556 (e) The Legislature shall pardon or commute the sentence or direct the sentence's
- 557 execution.
- 558 (5)(a) In determining when, where, and under what conditions an offender serving a
- 559 sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the
- 560 offender's criminal accounts receivable remitted, or have the offender's sentence
- 561 commuted or terminated, the board shall:
- 562 (i) consider whether the offender has made restitution ordered by the court under
- 563 Section 77-38b-205, or is prepared to pay restitution as a condition of any parole,
- 564 pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a
- 565 commutation or termination of the offender's sentence;
- 566 (ii) except as provided in Subsection (5)(b), develop and use a list of criteria for
- 567 making determinations under this Subsection (5);
- 568 (iii) consider information provided by the department regarding an offender's
- 569 individual case action plan; and

- 570 (iv) review an offender's status within 60 days after the day on which the board
 571 receives notice from the department that the offender has completed all of the
 572 offender's case action plan components that relate to activities that can be
 573 accomplished while the offender is imprisoned.
- 574 (b) The board shall determine whether to remit an offender's criminal accounts
 575 receivable under this Subsection (5) in accordance with Section 77-32b-105 or
 576 77-32b-106.
- 577 (c) When determining when and under what conditions an offender serving a sentence
 578 may be paroled, the board may consider designated examiners' reports in accordance
 579 with Subsection 77-27-7(5)(b).
- 580 (6) In determining whether parole may be terminated, the board shall consider:
 581 (a) the offense committed by the parolee; and
 582 (b) the parole period under Section 76-3-202, and in accordance with Section 77-27-13.
- 583 (7) For an offender placed on parole after December 31, 2018, the board shall terminate
 584 parole in accordance with the adult sentencing and supervision length guidelines, as
 585 defined in Section 63M-7-401.1, to the extent the guidelines are consistent with the
 586 requirements of the law.
- 587 (8) The board may not rely solely on an algorithm or a risk assessment tool score in
 588 determining whether parole should be granted or terminated for an offender.
- 589 (9) The board may intervene as a limited-purpose party in a judicial or administrative
 590 proceeding, including a criminal action, to seek:
 591 (a) correction of an order that has or will impact the board's jurisdiction; or
 592 (b) clarification regarding an order that may impact the board's jurisdiction.
- 593 (10) A motion to intervene brought under Subsection [~~(8)(a)~~] (9)(a) shall be raised within 60
 594 days after the day on which a court enters the order that impacts the board's jurisdiction.
- 595 Section 13. Section **77-27-7** is amended to read:
 596 **77-27-7 . Parole or hearing dates -- Interview -- Hearings -- Report of licensed**
 597 **mental health professional -- Mental competency -- Report of designated examiner --**
 598 **Rulemaking authority.**
- 599 (1)(a) For an offender serving a sentence upon conviction of a felony or class A
 600 misdemeanor offense, the board shall:
 601 (i) within six months after the day on which the offender is committed to the custody
 602 of the department, set a hearing date to establish the offender's release date or date
 603 for rehearing; and

- 604 (ii) promptly notify the offender of the date described in Subsection (1)(a)(i).
- 605 (b)(i) The board may delay setting the hearing date described in Subsection (1)(a)(i)
- 606 if the offender has an additional pending criminal case at the time of the offender's
- 607 commitment to the custody of the department.
- 608 (ii) For purposes of Subsection (1)(b)(i), a pending criminal case includes:
- 609 (A) uncharged conduct that is being screened for prosecution, unless one year has
- 610 passed since the day on which the board was notified of the screening and no
- 611 charge has been filed within that time period; and
- 612 (B) charged conduct that has not reached resolution.
- 613 (c) If the board delays setting the hearing date as described in Subsection (1)(b), the
- 614 board shall set a hearing date no later than six months after the day on which the final
- 615 criminal case described in Subsection (1)(b) has been resolved.
- 616 (d)(i) If the board delays setting the hearing date as described in Subsection (1)(b),
- 617 the board shall establish and use a process to monitor the progress of the pending
- 618 criminal action by seeking or obtaining updates no less frequently than every six
- 619 months.
- 620 (ii) The board shall establish the process described in Subsection (1)(d)(i) by creating
- 621 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 622 Act.
- 623 (e) When determining the hearing date under Subsection (1)(a), the board shall consider:
- 624 (i) the type and severity of offenses;
- 625 (ii) prior criminal history;
- 626 (iii) criminogenic risk factors; and
- 627 (iv) evidence-based assessments.
- 628 (2)(a) Before reaching a final decision to release an offender under this chapter, the
- 629 chair shall cause the offender to appear before the board, the board's panel, or an
- 630 appointed hearing officer, who shall personally interview the offender to consider the
- 631 offender's fitness for release and verify as far as possible information furnished from
- 632 other sources.
- 633 (b) An offender may waive a personal appearance before the board.
- 634 (c)(i) An offender outside of the state shall, if ordered by the board, submit to a
- 635 courtesy hearing to be held by the appropriate authority in the jurisdiction in
- 636 which the offender is housed in lieu of an appearance before the board.
- 637 (ii) The offender shall be promptly notified in writing of the board's decision.

638 (3)(a) In the case of an offender convicted of violating or attempting to violate any of
639 the provisions of Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi), Section
640 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404,
641 76-5-404.1, 76-5-404.3, or 76-5-405, the chair may appoint one or more licensed
642 mental health professionals who shall examine the offender within six months prior
643 to a hearing at which an original parole date is granted on any offense listed in this
644 Subsection (3).

645 (b)(i) The licensed mental health professional shall report in writing the results of the
646 examination to the board prior to the hearing.

647 (ii) The report of the appointed licensed mental health professional shall specifically
648 address the question of the offender's current mental condition and attitudes as
649 they relate to any danger the offender may pose to children or others if the
650 offender is released on parole.

651 (4) A parolee may petition the board for termination of lifetime parole as provided in
652 Section 76-3-202 in the case of a parolee convicted of a first degree felony violation, or
653 convicted of attempting to violate Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi),
654 Section 76-5-402, 76-5-402.1, 76-5-402.2, 76-5-402.3, 76-5-403, 76-5-403.1, 76-5-404.1,
654a 76-5-404.3, or 76-5-405, and released on parole before January 1, 2019.

656 (5)(a) In a case in which an offender's mental competency is questioned by the board,
657 the chair may appoint one or more licensed mental health professionals to examine
658 the offender and report in writing to the board, specifically addressing the issue of
659 competency.

660 (b)(i) In a case in which the board has reason to believe that an offender may have a
661 mental illness, as that term is defined in Section 26B-5-301, the chair may appoint
662 two designated examiners, as that term is defined in Section 26B-5-301, each of
663 which shall examine the offender and prepare a report that includes the designated
664 examiner's determinations regarding whether:

665 (A) the offender has a mental illness;

666 (B) there is no appropriate less-restrictive alternative to including assisted
667 outpatient treatment as a condition of parole; and

668 (C) the offender lacks the ability to engage in a rational decision-making process
669 regarding the acceptance of mental health treatment as demonstrated by
670 evidence of an inability to weigh the possible risks of accepting or rejecting

671 treatment, or the offender needs assisted outpatient treatment in order to
672 prevent relapse or deterioration that is likely to result in the offender posing a
673 substantial danger to self or others.

674 (ii) Based on the designated examiners' reports, the board may require assisted
675 outpatient treatment as a condition of parole for an offender with a mental illness.

676 (iii) If assisted outpatient treatment is ordered, failure to continue treatment, except
677 by agreement with the treatment provider and the board, is a basis for initiation of
678 parole violation hearings by the board.

679 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
680 board shall make rules governing:

- 681 (a) the hearing process;
- 682 (b) licensed mental health professional examinations;[-and]
- 683 (c) designated examiner examinations; and
- 684 [(e)] (d) parolee petitions for termination of parole.

685 Section 14. **FY 2026 Appropriation.**

686 The following sums of money are appropriated for the fiscal year beginning July 1,
687 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
688 fiscal year 2026.

689 Subsection 14(a). **Operating and Capital Budgets**

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

693	ITEM 1	To Department of Health and Human Services - Correctional Health Services	
694		From Medicaid Expansion Fund, One-time	2,460,000
695		Schedule of Programs:	
696		Correctional Health Services	2,460,000

697 The Legislature intends that the Department of
698 Health and Human Services use the appropriations
699 provided under this section to pay for unanticipated
700 high-cost correctional health care as described in Section
701 26B-4-905.

702	ITEM 2	To Department of Health and Human Services - Correctional Health Services	
703		From General Fund, One-time	540,000
704		Schedule of Programs:	

705 Correctional Health Services 540,000

706 The Legislature intends that the Department of

707 Health and Human Services use the appropriations

708 provided under this section to pay for unanticipated

709 high-cost correctional health care as described in Section

710 26B-4-905.

711 ITEM 3 To Department of Health and Human Services - Health Care Administration

712 From General Fund, One-time 1,800,000

713 From Medicaid Expansion Fund, One-time 8,200,000

714 Schedule of Programs:

715 Integrated Health Care Administration 10,000,000

716 The Legislature intends that the Department of

717 Health and Human Services use the appropriations

718 provided under this section to pay for an electronic health

719 record system as described in Section 26B-4-903.

720 Subsection 14(b). **Restricted Fund and Account Transfers**

721 The Legislature authorizes the State Division of Finance to transfer the following

722 amounts between the following funds or accounts as indicated. Expenditures and outlays from

723 the funds to which the money is transferred must be authorized by an appropriation.

724 ITEM 4 To Medicaid ACA Fund

725 From General Fund, One-time (1,800,000)

726 Schedule of Programs:

727 Medicaid ACA Fund (1,800,000)

728 Section 15. **Effective Date.**

729 This bill takes effect on May 7, 2025.