

Tyler Clancy proposes the following substitute bill:

Offender Reintegration Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill concerns the reentry and reintegration of offenders and former offenders into the general public.

Highlighted Provisions:

This bill:

- provides that a local mental health authority shall, to the extent feasible, coordinate with the Department of Corrections (department) to ensure the continuity of mental health services for county residents on probation or parole;
- provides that a criminal justice coordinating council shall identify strategies for connecting county residents on probation, parole, or leaving jail or prison, with certain county-based services;
- adds an expunged conviction and an arrest that occurred as a juvenile to the circumstances when a public employer may not exclude an applicant from an initial interview;
- reduces the amount of time following an individual's incarceration for purposes of defining unprofessional conduct in certain circumstances and expands the exceptions under which a conviction would not qualify;
- provides that the department may procure or adopt technology to coordinate services with outside organizations involved in supporting individuals on probation or parole;
- creates the Rehabilitation and Reentry Services Restricted Account, which:
 - allows the department to accept donations and other funds; and
 - restricts funds for specified purposes relating to the successful reintegration of offenders and former offenders into the general public; and
- makes technical and conforming changes.

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.

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **17-43-301 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
36 Chapters 240, 299

37 **17-55-201 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
38 Chapter 187

39 **34-52-201 (Effective upon governor's approval)**, as last amended by Laws of Utah 2023,
40 Chapters 115, 344 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 344

41 **58-1-501 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
42 Chapter 420

43 **64-13-6 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
44 Chapters 144, 208

45 ENACTS:

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

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

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

49

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 (Effective upon governor's approval). Local mental health authorities**

53 **-- Responsibilities.**

54 (1) As used in this section:

55 (a) "Assisted outpatient treatment" means the same as that term is defined in Section
56 26B-5-301.

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

58 (c) "Local mental health crisis line" means the same as that term is defined in Section
59 26B-5-610.

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

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

62 (f) "Statewide mental health crisis line" means the same as that term is defined in

63 Section 26B-5-610.

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

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

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

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

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

75 (ii) cooperate with efforts of the division to promote integrated programs that address
76 an individual's substance use, mental health, and physical healthcare needs, as
77 described in Section 26B-5-102.

78 (c) Within legislative appropriations and county matching funds required by this section,
79 each local mental health authority shall cooperate with the efforts of the department
80 to promote a system of care, as defined in Section 26B-5-101, for minors with or at
81 risk for complex emotional and behavioral needs, as described in Section 26B-1-202.

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

84 (i) provide mental health prevention and treatment services; or

85 (ii) create a united local health department that combines substance use treatment
86 services, mental health services, and local health department services in
87 accordance with Subsection (4).

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

90 (c) Each agreement for joint mental health services shall:

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

94 (B) provide that the designated treasurer, or other disbursing officer authorized by
95 the treasurer, may make payments from the money available for the joint
96 services upon audit of the appropriate auditing officer or officers representing

- 97 the participating counties;
- 98 (ii) provide for the appointment of an independent auditor or a county auditor of one
99 of the participating counties as the designated auditing officer for the combined
100 mental health authorities;
- 101 (iii)(A) provide for the appointment of the county or district attorney of one of the
102 participating counties as the designated legal officer for the combined mental
103 health authorities; and
- 104 (B) authorize the designated legal officer to request and receive the assistance of
105 the county or district attorneys of the other participating counties in defending
106 or prosecuting actions within their counties relating to the combined mental
107 health authorities; and
- 108 (iv) provide for the adoption of management, clinical, financial, procurement,
109 personnel, and administrative policies as already established by one of the
110 participating counties or as approved by the legislative body of each participating
111 county or interlocal board.
- 112 (d) An agreement for joint mental health services may provide for:
- 113 (i) joint operation of services and facilities or for operation of services and facilities
114 under contract by one participating local mental health authority for other
115 participating local mental health authorities; and
- 116 (ii) allocation of appointments of members of the mental health advisory council
117 between or among participating counties.
- 118 (4) A county governing body may elect to combine the local mental health authority with
119 the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
120 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
121 Department Act, to create a united local health department under Section 26A-1-105.5.
122 A local mental health authority that joins with a united local health department shall
123 comply with this part.
- 124 (5)(a) Each local mental health authority is accountable to the department and the state
125 with regard to the use of state and federal funds received from those departments for
126 mental health services, regardless of whether the services are provided by a private
127 contract provider.
- 128 (b) Each local mental health authority shall comply, and require compliance by its
129 contract provider, with all directives issued by the department regarding the use and
130 expenditure of state and federal funds received from those departments for the

131 purpose of providing mental health programs and services. The department shall
132 ensure that those directives are not duplicative or conflicting, and shall consult and
133 coordinate with local mental health authorities with regard to programs and services.

134 (6)(a) Each local mental health authority shall:

135 (i) review and evaluate mental health needs and services, including mental health
136 needs and services for:

137 (A) an individual incarcerated in a county jail or other county correctional facility;
138 and

139 (B) an individual who is a resident of the county and who is court ordered to
140 receive assisted outpatient treatment under Section 26B-5-351;

141 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division
142 a plan approved by the county legislative body for mental health funding and
143 service delivery, either directly by the local mental health authority or by contract;

144 (iii) establish and maintain, either directly or by contract, programs licensed under
145 Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;

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

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

149 (vi) establish and require contract providers to establish administrative, clinical,
150 personnel, financial, procurement, and management policies regarding mental
151 health services and facilities, in accordance with the rules of the division, and state
152 and federal law;

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

154 (viii) annually contract with the division to provide mental health programs and
155 services in accordance with the provisions of Title 26B, Chapter 5, Health Care -
156 Substance Use and Mental Health;

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

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

162 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
163 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special
164 Districts, and Title 51, Chapter 2a, Accounting Reports from Political

- 165 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
166 (xii) take and retain physical custody of minors committed to the physical custody of
167 local mental health authorities by a judicial proceeding under Title 26B, Chapter
168 5, Part 4, Commitment of Persons Under Age 18.
- 169 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and
170 children, which shall include:
- 171 (i) inpatient care and services;
 - 172 (ii) residential care and services;
 - 173 (iii) outpatient care and services;
 - 174 (iv) 24-hour crisis care and services;
 - 175 (v) psychotropic medication management;
 - 176 (vi) psychosocial rehabilitation, including vocational training and skills development;
 - 177 (vii) case management;
 - 178 (viii) community supports, including in-home services, housing, family support
179 services, and respite services;
 - 180 (ix) consultation and education services, including case consultation, collaboration
181 with other county service agencies, public education, and public information; and
 - 182 (x) services to persons incarcerated in a county jail or other county correctional
183 facility.
- 184 (7)(a) If a local mental health authority provides for a local mental health crisis line
185 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv),
186 the local mental health authority shall:
- 187 (i) collaborate with the statewide mental health crisis line described in Section
188 26B-5-610;
 - 189 (ii) ensure that each individual who answers calls to the local mental health crisis line:
190 (A) is a mental health therapist or a crisis worker; and
191 (B) meets the standards of care and practice established by the Division of
192 Integrated Healthcare, in accordance with Section 26B-5-610; and
 - 193 (iii) ensure that when necessary, based on the local mental health crisis line's
194 capacity, calls are immediately routed to the statewide mental health crisis line to
195 ensure that when an individual calls the local mental health crisis line, regardless
196 of the time, date, or number of individuals trying to simultaneously access the
197 local mental health crisis line, a mental health therapist or a crisis worker answers
198 the call without the caller first:

- 199 (A) waiting on hold; or
200 (B) being screened by an individual other than a mental health therapist or crisis
201 worker.
- 202 (b) If a local mental health authority does not provide for a local mental health crisis line
203 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv),
204 the local mental health authority shall use the statewide mental health crisis line as a
205 local crisis line resource.
- 206 (8) Before disbursing any public funds, each local mental health authority shall require that
207 each entity that receives any public funds from a local mental health authority agrees in
208 writing that:
- 209 (a) the entity's financial records and other records relevant to the entity's performance of
210 the services provided to the mental health authority shall be subject to examination
211 by:
- 212 (i) the division;
213 (ii) the local mental health authority director;
214 (iii)(A) the county treasurer and county or district attorney; or
215 (B) if two or more counties jointly provide mental health services under an
216 agreement under Subsection (3), the designated treasurer and the designated
217 legal officer;
218 (iv) the county legislative body; and
219 (v) in a county with a county executive that is separate from the county legislative
220 body, the county executive;
- 221 (b) the county auditor may examine and audit the entity's financial and other records
222 relevant to the entity's performance of the services provided to the local mental health
223 authority; and
224 (c) the entity will comply with the provisions of Subsection (5)(b).
- 225 (9) A local mental health authority may receive property, grants, gifts, supplies, materials,
226 contributions, and any benefit derived therefrom, for mental health services. If those
227 gifts are conditioned upon their use for a specified service or program, they shall be so
228 used.
- 229 (10) Public funds received for the provision of services pursuant to the local mental health
230 plan may not be used for any other purpose except those authorized in the contract
231 between the local mental health authority and the provider for the provision of plan
232 services.

- 233 (11) A local mental health authority shall:
- 234 (a) provide assisted outpatient treatment services to a resident of the county who has
- 235 been ordered under Section 26B-5-351 to receive assisted outpatient treatment[.] ; and
- 236 (b) to the extent feasible, coordinate with the Department of Corrections to ensure the
- 237 continuity of mental health services for county residents who are on probation or
- 238 parole.

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

240 **17-55-201 (Effective upon governor's approval). Criminal justice coordinating**

241 **councils -- Creation -- Strategic plan -- Reporting requirements.**

- 242 (1)(a) Beginning January 1, 2023, a county shall:
- 243 (i) create a criminal justice coordinating council; or
- 244 (ii) jointly with another county or counties, create a criminal justice coordinating
- 245 council.
- 246 (b) The purpose of a council is to coordinate and improve components of the criminal
- 247 justice system in the county or counties.
- 248 (2)(a) A council shall include:
- 249 (i) one county commissioner or county council member;
- 250 (ii) the county sheriff or the sheriff's designee;
- 251 (iii) one chief of police of a municipality within the county or the chief's designee;
- 252 (iv) the county attorney or the attorney's designee;
- 253 (v) one public defender or attorney who provides public defense within the county;
- 254 (vi) one district court judge;
- 255 (vii) one justice court judge;
- 256 (viii) one representative from the Division of Adult Probation and Parole within the
- 257 Department of Corrections;
- 258 (ix) one representative from the local mental health authority within the county; and
- 259 (x) one individual who is:
- 260 (A) a crime victim; or
- 261 (B) a victim advocate, as defined in Section 77-38-403.
- 262 (b) A council may include:
- 263 (i) an individual representing:
- 264 (A) local government;
- 265 (B) human services programs;
- 266 (C) higher education;

- 267 (D) peer support services;
- 268 (E) workforce services;
- 269 (F) local housing services;
- 270 (G) mental health or substance use disorder providers;
- 271 (H) a health care organization within the county;
- 272 (I) a local homeless council;
- 273 (J) family counseling and support groups; or
- 274 (K) organizations that work with families of incarcerated individuals; or
- 275 (ii) an individual with lived experiences in the criminal justice system.
- 276 (3)(a) A member who is an elected county official shall serve as chair of the council.
- 277 (b) The council shall elect the member to serve as chair under Subsection (3)(a).
- 278 (4)(a) A council shall develop and implement a strategic plan for the county's or
- 279 counties' criminal justice system that includes:
- 280 (i) mapping of all systems, resources, assets, and services within the county's or
- 281 counties' criminal justice system;
- 282 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 283 (iii) recidivism reduction objectives; and
- 284 (iv) community reintegration goals, including identifying strategies for connecting
- 285 county residents who are on probation, parole, or leaving jail or prison, including
- 286 those under the custody of the Division of Juvenile Justice and Youth Services,
- 287 with county-based housing, employment, mental health services, substance use
- 288 treatment, and related resources.
- 289 (b) The commission may assist a council in the development of a strategic plan.
- 290 (5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare
- 291 a list of private probation providers for a court to provide to defendants as described in
- 292 Section 77-18-105.
- 293 (6) Before November 30 of each year, a council shall provide a written report to the
- 294 commission regarding:
- 295 (a) the implementation of a strategic plan described in Subsection (4); and
- 296 (b) any data on the impact of the council on the criminal justice system in the county or
- 297 counties.
- 298 Section 3. Section **34-52-201** is amended to read:
- 299 **34-52-201 (Effective upon governor's approval). 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 (i) a past criminal conviction, an expunged conviction, an arrest for an offense that
- 303 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
- 305 that occurred before the applicant was 18 years old;
- 306 (b) make an inquiry related to an applicant's expunged criminal or juvenile delinquency
- 307 history;
- 308 (c) when making a hiring decision regarding a mental health professional applicant,
- 309 consider:
- 310 (i) an arrest for an offense that occurred before the mental health professional
- 311 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
- 317 criminal conviction or the mental health professional applicant's incarceration
- 318 for the past criminal conviction ended at least three years before the day on
- 319 which the mental health professional applicant applied for employment; or
- 320 (d) deny a mental health professional applicant employment based on a past criminal
- 321 conviction that does not bear a direct relationship to the mental health professional
- 322 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)
- 324 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
- 330 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 (3) A public employer may not deny a mental health professional applicant employment

- 335 that requires the mental health professional applicant to provide substance use treatment
336 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
341 criminal conviction; or
342 (B) the mental health professional applicant's incarceration for the past criminal
343 conviction ended at least three years before the day on which the mental health
344 professional applicant applied for employment.
- 345 (4) An applicant seeking employment from a public employer may answer a question
346 related to an expunged criminal or juvenile delinquency record as though the action
347 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
349 employer from:
- 350 (a) asking an applicant for information about an applicant's criminal conviction or
351 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
353 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,
356 requires the consideration of an applicant's criminal conviction, an expunged
357 conviction, an arrest for an offense that occurred before the applicant was 18 years
358 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
366 fiduciary functions; or
367 (ix) to a public transit district hiring or promoting an individual for a safety sensitive
368 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
372 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
374 public employer.
- 375 Section 4. Section **58-1-501** is amended to read:
376 **58-1-501 (Effective upon governor's approval). Unlawful and unprofessional**
377 **conduct.**
- 378 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under
379 this title and includes:
- 380 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or
381 attempting to practice or engage in any profession requiring licensure under this title,
382 except the behavioral health technician under Chapter 60, Part 6, Behavioral Health
383 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,
386 probationary, or inactive license;
- 387 (b)(i) impersonating another licensee or practicing a profession under a false or
388 assumed name, except as permitted by law; or
389 (ii) for a licensee who has had a license under this title reinstated following
390 disciplinary action, practicing the same profession using a different name than the
391 name used before the disciplinary action, except as permitted by law and after
392 notice to, and approval by, the division;
- 393 (c) knowingly employing any other person to practice or engage in or attempt to practice
394 or engage in any profession licensed under this title if the employee is not licensed to
395 do so under this title;
- 396 (d) knowingly permitting the person's authority to practice or engage in any profession
397 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
399 license, or otherwise dealing with the division or a licensing board through the use of
400 fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission;
- 401 (f)(i) issuing, or aiding and abetting in the issuance of, an order or prescription for a
402 drug or device to a person located in this state:

- 403 (A) without prescriptive authority conferred by a license issued under this title, or
404 by an exemption to licensure under this title; or
- 405 (B) with prescriptive authority conferred by an exception issued under this title or
406 a multistate practice privilege recognized under this title, if the prescription
407 was issued without first obtaining information, in the usual course of
408 professional practice, that is sufficient to establish a diagnosis, to identify
409 underlying conditions, and to identify contraindications to the proposed
410 treatment; and
- 411 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
412 or cross coverage situation, provided that the person who issues the prescription
413 has prescriptive authority conferred by a license under this title, or is exempt from
414 licensure under this title; or
- 415 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a
416 profession under this title.
- 417 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
418 defined as unprofessional conduct under this title or under any rule adopted under
419 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
422 professional or ethical standard applicable to an occupation or profession
423 regulated under this title;
- 424 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in
425 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is
426 held in abeyance pending the successful completion of probation with respect to a
427 crime that, when considered with the functions and duties of the profession for
428 which the license was issued or is to be issued, bears a substantial relationship to
429 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,
431 censure, diversion, probation, suspension, or revocation, by any other licensing or
432 regulatory authority having jurisdiction over the licensee or applicant in the same
433 profession if the conduct would, in this state, constitute grounds for denial of
434 licensure or disciplinary proceedings under Section 58-1-401;
- 435 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
436 chemicals, to the extent that the conduct does, or might reasonably be considered

- 437 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
- 439 being physically or mentally unfit to do so;
- 440 (vii) practicing or attempting to practice a or profession regulated under this title
- 441 through gross incompetence, gross negligence, or a pattern of incompetency or
- 442 negligence;
- 443 (viii) practicing or attempting to practice a profession requiring licensure under this
- 444 title by any form of action or communication which is false, misleading,
- 445 deceptive, or fraudulent;
- 446 (ix) practicing or attempting to practice a profession regulated under this title beyond
- 447 the scope of the licensee's competency, abilities, or education;
- 448 (x) practicing or attempting to practice a profession regulated under this title beyond
- 449 the scope of the licensee's license;
- 450 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person
- 451 through conduct connected with the licensee's practice under this title or otherwise
- 452 facilitated by the licensee's license;
- 453 (xii) acting as a supervisor without meeting the qualification requirements for that
- 454 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
- 456 drug or device:
- 457 (A) without first obtaining information in the usual course of professional
- 458 practice, that is sufficient to establish a diagnosis, to identify conditions, and to
- 459 identify contraindications to the proposed treatment; or
- 460 (B) with prescriptive authority conferred by an exception issued under this title, or
- 461 a multi-state practice privilege recognized under this title, if the prescription
- 462 was issued without first obtaining information, in the usual course of
- 463 professional practice, that is sufficient to establish a diagnosis, to identify
- 464 underlying conditions, and to identify contraindications to the proposed
- 465 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.
- 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

- 471 this title, deviating from medical norms or established practices if the conditions
472 described in Subsection (5) are met; and
- 473 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
474 health care provider deviates from medical norms or established practices,
475 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
478 provider deviates from medical norms or established practices with a
479 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
482 proceeding commenced by the division under this title, a person subject to any of the
483 unlawful and unprofessional conduct provisions of this title is strictly liable for each
484 violation.
- 485 (4) The following are not evidence of engaging in unprofessional conduct under Subsection
486 (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
489 years before the date of the division's consideration, unless:
- 490 (i) after the incarceration the individual has engaged in additional conduct that results
491 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo
492 contendere that is held in abeyance pending the successful completion of
493 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,
497 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
499 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
501 Utah patients or consumers, as may be determined by the director in a process
502 defined by rule made in accordance with Title 63G, Chapter 3, Utah
503 Administrative Rulemaking Act.
- 504 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from

- 505 medical norms or established practices if:
- 506 (a) the health care provider does not deviate outside of the health care provider's scope
507 of practice and possesses the education, training, and experience to competently and
508 safely administer the alternative health care service;
- 509 (b) the health care provider does not provide an alternative health care service that is
510 otherwise contrary to any state or federal law;
- 511 (c) the alternative health care service has reasonable potential to be of benefit to the
512 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
514 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
516 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
519 within the medical norms and established practices;
- 520 (ii) the health care provider discloses to the patient that the health care provider is
521 recommending an alternative health care service that deviates from medical norms
522 and established practices;
- 523 (iii) the health care provider discusses the rationale for deviating from medical norms
524 and established practices with the patient;
- 525 (iv) the health care provider discloses any potential risks associated with deviation
526 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
529 to the patient that the patient may enter into an agreement describing what would
530 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
532 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
535 practices in the health care provider's recommendation for the patient's treatment;
- 536 (c) describes how the alternative health care service deviates from medical norms or
537 established practices;
- 538 (d) describes the potential risks and benefits associated with the alternative health care

- 539 service;
- 540 (e) describes the health care provider's reasonably justified rationale regarding the
541 reason for the deviation; and
- 542 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to
543 receive the alternative health care service which is outside medical norms and
544 established practices.
- 545 Section 5. Section **64-13-6** is amended to read:
- 546 **64-13-6 (Effective upon governor's approval). Department duties.**
- 547 (1) The department shall:
- 548 (a) protect the public through institutional care and confinement, and supervision in the
549 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
552 designed to reduce offenders' criminogenic and recidivism risks, including
553 behavioral, cognitive, educational, and career-readiness program opportunities;
- 554 (d) ensure that offender participation in all program opportunities described in
555 Subsection (1)(c) is voluntary;
- 556 (e) where appropriate, utilize offender volunteers as mentors in the program
557 opportunities described in Subsection (1)(c);
- 558 (f) provide treatment for sex offenders who are found to be treatable based upon criteria
559 developed by the department;
- 560 (g) provide the results of ongoing clinical assessment of sex offenders and objective
561 diagnostic testing to sentencing and release authorities;
- 562 (h) manage programs that take into account the needs and interests of victims, where
563 reasonable;
- 564 (i) supervise probationers and parolees as directed by statute and implemented by the
565 courts and the Board of Pardons and Parole;
- 566 (j) subject to Subsection (3), investigate criminal conduct involving offenders
567 incarcerated in a state correctional facility;
- 568 (k) cooperate and exchange information with other state, local, and federal law
569 enforcement agencies to achieve greater success in prevention and detection of crime
570 and apprehension of criminals;
- 571 (l) implement the provisions of Title 77, Chapter 28c, Interstate Compact for Adult
572 Offender Supervision;

- 573 (m) establish a case action plan based on appropriate validated risk, needs, and
574 responsivity assessments for each offender as follows:
- 575 (i)(A) if an offender is to be supervised in the community, the department shall
576 establish a case action plan for the offender no later than 60 days after the day
577 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
579 shall establish a case action plan for the offender no later than 90 days after the
580 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
583 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
586 aptitudes of the inmate has been completed;
- 587 (II) refer the inmate to a higher education student advisor at an institution
588 offering programs consistent with the inmate's interests and aptitudes for
589 advisement on educational preferences and plans;
- 590 (III) incorporate the inmate's interests, aptitudes, and student advisement into
591 an education plan consistent with the guidance provided by the Higher
592 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
594 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
596 sentencing and release authority within 30 days after the day on which the case
597 action plan is established; and
- 598 (iv) the department shall share any changes to a case action plan, including any
599 change in an offender's risk assessment, with the sentencing and release authority
600 within 30 days after the day of the change;
- 601 (n) ensure that an inmate has reasonable access to legal research;
- 602 (o) ensure that any training or certification required of a public official or public
603 employee, as those terms are defined in Section 63G-22-102, complies with Title
604 63G, Chapter 22, State Training and Certification Requirements, if the training or
605 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
610 described in Section 63M-7-102;
- 611 (q) create a reentry division that focuses on the successful reentry of inmates into the
612 community;
- 613 (r) coordinate with the Board of Pardons and Parole regarding inmate records that are
614 necessary for the Board of Pardons and Parole to make necessary determinations
615 regarding an inmate; and
- 616 (s) ensure that inmate records regarding discipline, programs, and other relevant metrics
617 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
622 accordance with the graduated and evidence-based processes established by the adult
623 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
625 for an individual's violation of the terms of probation or parole a period of
626 incarceration of not more than three consecutive days and not more than a total of
627 five days within a period of 30 days.
- 628 (3)(a) By following the procedures in Subsection (3)(b), the department may investigate
629 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
635 shall:
- 636 (i) notify the sheriff or other appropriate law enforcement agency promptly after
637 ascertaining facts sufficient to believe an occurrence specified in Subsection (3)(a)
638 has occurred; and
- 639 (ii) obtain consent of the sheriff or other appropriate law enforcement agency to
640 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
642 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
644 the designee possesses expertise in correctional programming, shall consult at least
645 annually with cognitive and career-readiness staff experts from the Utah system of
646 higher education and the State Board of Education to review the department's
647 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
649 Law Enforcement and Criminal Justice Interim Committee regarding:
- 650 (i) the department's implementation of and offender participation in evidence-based
651 and evidence-informed treatment and program opportunities designed to reduce
652 the criminogenic and recidivism risks of offenders over time; and
- 653 (ii) the progress of the department's implementation of the inmate program
654 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
657 criminal judgment that has not been paid.
- 658 (ii) "Accounts receivable" includes unpaid fees, overpayments, fines, forfeitures,
659 surcharges, costs, interest, penalties, restitution to victims, third-party claims,
660 claims, reimbursement of a reward, and damages that an offender is ordered to
661 pay.
- 662 (b) The department shall collect and disburse, with any interest and any other costs
663 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
665 (6)(c); and
- 666 (ii) the probation period for which the court orders supervised probation and any
667 extension of that period by the department in accordance with Subsection
668 77-18-105(7).
- 669 (c)(i) If an offender has an unpaid balance of the offender's accounts receivable at the
670 time that the offender's sentence expires or terminates, the department shall be
671 referred to the sentencing court for the sentencing court to enter a civil judgment
672 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
674 the offender's sentence expires or terminates, the board shall refer the order for

675 restitution to the sentencing court to be entered as a civil judgment of restitution as
676 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
679 coordination of services and enhance accountability with agencies, local partners, and
680 community-based organizations that are involved with assisting individuals on
681 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
684 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
687 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
689 organizations through a secure and live chat feature; and

690 (v) send and track individual referrals, store referral outcomes, and document
691 services provided.

692 Section 6. Section **64-13h-101** is enacted to read:

693 **CHAPTER 13h. REHABILITATION AND REENTRY SERVICES**

694 **64-13h-101 (Effective upon governor's approval). Definitions.**

695 As used in this chapter:

696 (1) "Account" means the Rehabilitation and Reentry Services Restricted Account created in
697 Section 64-13h-102.

698 (2) "Department" means the Department of Corrections.

699 (3) "Offender" means the same as that term is defined in Section 64-13-1.

700 Section 7. Section **64-13h-102** is enacted to read:

701 **64-13h-102 (Effective upon governor's approval). Creation of Rehabilitation and**
702 **Reentry Services Restricted Account.**

703 (1) There is created a restricted account within the General Fund known as the
704 Rehabilitation and Reentry Services Restricted Account.

705 (2) The account includes:

706 (a) private donations, grants, gifts, bequests, or money made available from any other
707 source to implement this section and Section 64-13h-103;

708 (b) money appropriated to the account by the Legislature; and

- 709 (c) any interest earned on the account.
- 710 (3) The department shall administer the account for the purposes described in Section
- 711 64-13h-103.
- 712 (4) Upon appropriation by the Legislature, the department shall use money in the account as
- 713 described in Section 64-13h-103.

714 Section 8. Section **64-13h-103** is enacted to read:

715 **64-13h-103 (Effective upon governor's approval). Uses of Rehabilitation and**
 716 **Reentry Services Restricted Account.**

717 (1) Account funds shall be used to provide direct services to offenders that will increase the
 718 likelihood of successful reintegration into the general public and decrease the likelihood
 719 of recidivism, which may include:

- 720 (a) educational services;
- 721 (b) job skills training;
- 722 (c) life skills training;
- 723 (d) apprenticeships;
- 724 (e) job placement assistance;
- 725 (f) assistance with affordable housing or supervised or transitional housing services;
- 726 (g) substance use treatment, mental health services, or physical health services; or
- 727 (h) case worker access, before or after leaving incarceration.

728 (2) The department may expend money from the account to offset actual department
 729 expenses related to administering this section.

730 Section 9. **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
 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 | ITEM 1 To Utah Department of Corrections - Administration | |
| 739 | From Rehabilitation and Reentry Restricted Account, | |
| 740 | One-time | 2,000,000 |
| 741 | Schedule of Programs: | |
| 742 | Department Executive Director | 2,000,000 |

743 Section 10. **Effective Date.**

744 This bill takes effect:

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

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

747 (a) upon approval by the governor;

748 (b) without the governor's signature, the day following the constitutional time limit of

749 Utah Constitution, Article VII, Section 8; or

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