

Jen Plumb proposes the following substitute bill:

Medication Assisted Treatment Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill addresses the use of medical assisted treatment in certain human services programs.

Highlighted Provisions:

This bill:

- defines terms;
- requires the Office of Licensing within the Department of Health and Human Services to establish and enforce rules concerning the use of medication assisted treatment in certain residential treatment programs and recovery residences; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-2-101, as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438

26B-2-117, as renumbered and amended by Laws of Utah 2023, Chapter 305

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

Section 1. Section **26B-2-101** is amended to read:

26B-2-101 . Definitions.

As used in this part:

- (1) "Adoption services" means the same as that term is defined in Section 80-2-801.
- (2) "Adult day care" means nonresidential care and supervision:
 - (a) for three or more adults for at least four but less than 24 hours a day; and
 - (b) that meets the needs of functionally impaired adults through a comprehensive

30 program that provides a variety of health, social, recreational, and related support
31 services in a protective setting.

32 (3) "Applicant" means a person that applies for an initial license or a license renewal under
33 this part.

34 (4)(a) "Associated with the licensee" means that an individual is:

35 (i) affiliated with a licensee as an owner, director, member of the governing body,
36 employee, agent, provider of care, department contractor, or volunteer; or

37 (ii) applying to become affiliated with a licensee in a capacity described in
38 Subsection (4)(a)(i).

39 (b) "Associated with the licensee" does not include:

40 (i) service on the following bodies, unless that service includes direct access to a
41 child or a vulnerable adult:

42 (A) a local mental health authority described in Section 17-43-301;

43 (B) a local substance abuse authority described in Section 17-43-201; or

44 (C) a board of an organization operating under a contract to provide mental health
45 or substance use programs, or services for the local mental health authority or
46 substance abuse authority; or

47 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly
48 supervised at all times.

49 (5)(a) "Boarding school" means a private school that:

50 (i) uses a regionally accredited education program;

51 (ii) provides a residence to the school's students:

52 (A) for the purpose of enabling the school's students to attend classes at the
53 school; and

54 (B) as an ancillary service to educating the students at the school;

55 (iii) has the primary purpose of providing the school's students with an education, as
56 defined in Subsection (5)(b)(i); and

57 (iv)(A) does not provide the treatment or services described in Subsection [(40)(a)]
58 (42)(a); or

59 (B) provides the treatment or services described in Subsection [(40)(a)] (42)(a) on
60 a limited basis, as described in Subsection (5)(b)(ii).

61 (b)(i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for
62 one or more grades from kindergarten through grade 12.

63 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment

- 64 or services described in Subsection [~~(40)~~(a)] (42)(a) on a limited basis if:
- 65 (A) the treatment or services described in Subsection [~~(40)~~(a)] (42)(a) are provided
- 66 only as an incidental service to a student; and
- 67 (B) the school does not:
- 68 (I) specifically solicit a student for the purpose of providing the treatment or
- 69 services described in Subsection [~~(40)~~(a)] (42)(a); or
- 70 (II) have a primary purpose of providing the treatment or services described in
- 71 Subsection [~~(40)~~(a)] (42)(a).
- 72 (c) "Boarding school" does not include a therapeutic school.
- 73 (6) "Certification" means a less restrictive level of licensure issued by the department.
- 74 (7) "Child" means an individual under 18 years old.
- 75 (8) "Child placing" means receiving, accepting, or providing custody or care for any child,
- 76 temporarily or permanently, for the purpose of:
- 77 (a) finding a person to adopt the child;
- 78 (b) placing the child in a home for adoption; or
- 79 (c) foster home placement.
- 80 (9) "Child-placing agency" means a person that engages in child placing.
- 81 (10) "Client" means an individual who receives or has received services from a licensee.
- 82 (11)(a) "Congregate care program" means any of the following that provide services to a
- 83 child:
- 84 (i) an outdoor youth program;
- 85 (ii) a residential support program;
- 86 (iii) a residential treatment program; or
- 87 (iv) a therapeutic school.
- 88 (b) "Congregate care program" does not include a human services program that:
- 89 (i) is licensed to serve adults; and
- 90 (ii) is approved by the office to service a child for a limited time.
- 91 (12) "Day treatment" means specialized treatment that is provided to:
- 92 (a) a client less than 24 hours a day; and
- 93 (b) four or more persons who:
- 94 (i) are unrelated to the owner or provider; and
- 95 (ii) have emotional, psychological, developmental, physical, or behavioral
- 96 dysfunctions, impairments, or chemical dependencies.
- 97 (13) "Department contractor" means an individual who:

- 98 (a) provides services under a contract with the department; and
99 (b) due to the contract with the department, has or will likely have direct access to a
100 child or vulnerable adult.
- 101 (14) "Direct access" means that an individual has, or likely will have:
102 (a) contact with or access to a child or vulnerable adult that provides the individual with
103 an opportunity for personal communication or touch; or
104 (b) an opportunity to view medical, financial, or other confidential personal identifying
105 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 106 (15) "Directly supervised" means that an individual is being supervised under the
107 uninterrupted visual and auditory surveillance of another individual who has a current
108 background check approval issued by the office.
- 109 (16) "Director" means the director of the office.
- 110 (17) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 111 (18) "Domestic violence treatment program" means a nonresidential program designed to
112 provide psychological treatment and educational services to perpetrators and victims of
113 domestic violence.
- 114 (19) "Elder adult" means a person 65 years old or older.
- 115 (20) "Emergency safety intervention" means a tactic used to protect staff or a client from
116 being physically injured, utilized by an appropriately trained direct care staff and only
117 performed in accordance with a nationally or regionally recognized curriculum in the
118 least restrictive manner to restore staff or client safety.
- 119 (21) "Foster home" means a residence that is licensed or certified by the office for the
120 full-time substitute care of a child.
- 121 (22) "Health benefit plan" means the same as that term is defined in Section [31A-22-634]
122 31A-1-301.
- 123 (23) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 124 (24) "Health insurer" means~~[the same as that term is defined in Section 31A-22-615.5.]~~ ;
125 (a) an insurer who offers health care insurance as that term is defined in Section
126 31A-1-301;
127 (b) health benefits offered to state employees under Section 49-20-202; and
128 (c) a workers' compensation insurer:
129 (i) authorized to provide workers' compensation insurance in the state; or
130 (ii) that is a self-insured employer as defined in Section 34A-2-201.5.
- 131 (25)(a) "Human services program" means:

- 132 (i) a foster home;
- 133 (ii) a therapeutic school;
- 134 (iii) a youth program;
- 135 (iv) an outdoor youth program;
- 136 (v) a residential treatment program;
- 137 (vi) a residential support program;
- 138 (vii) a resource family home;
- 139 (viii) a recovery residence; or
- 140 (ix) a facility or program that provides:
- 141 (A) adult day care;
- 142 (B) day treatment;
- 143 (C) outpatient treatment;
- 144 (D) domestic violence treatment;
- 145 (E) child-placing services;
- 146 (F) social detoxification; or
- 147 (G) any other human services that are required by contract with the department to
- 148 be licensed with the department.
- 149 (b) "Human services program" does not include:
- 150 (i) a boarding school;
- 151 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102;
- 152 or
- 153 (iii) a short-term relief care provider.
- 154 (26) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 155 (27) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 156 (28) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 157 (29) "Intermediate secure treatment" means 24-hour specialized residential treatment or
- 158 care for an individual who:
- 159 (a) cannot live independently or in a less restrictive environment; and
- 160 (b) requires, without the individual's consent or control, the use of locked doors to care
- 161 for the individual.
- 162 (30) "Licensee" means an individual or a human services program licensed by the office.
- 163 (31) "Local government" means a city, town, or county.
- 164 (32) "Medication assisted treatment" means the use of a prescribed medication approved by
- 165 the United States Food and Drug Administration, such as buprenorphine, methadone, or

- 166 naltrexone, to treat substance use withdrawal symptoms or a substance use disorder.
- 167 [~~(32)~~] (33) "Minor" means child.
- 168 [~~(33)~~] (34) "Office" means the Office of Licensing within the department.
- 169 [~~(34)~~] (35) "Outdoor youth program" means a program that provides:
- 170 (a) services to a child that has:
- 171 (i) a chemical dependency; or
- 172 (ii) a dysfunction or impairment that is emotional, psychological, developmental,
- 173 physical, or behavioral;
- 174 (b) a 24-hour outdoor group living environment; and
- 175 (c)(i) regular therapy, including group, individual, or supportive family therapy; or
- 176 (ii) informal therapy or similar services, including wilderness therapy, adventure
- 177 therapy, or outdoor behavioral healthcare.
- 178 [~~(35)~~] (36) "Outpatient treatment" means individual, family, or group therapy or counseling
- 179 designed to improve and enhance social or psychological functioning for those whose
- 180 physical and emotional status allows them to continue functioning in their usual living
- 181 environment.
- 182 [~~(36)~~] (37) "Practice group" or "group practice" means two or more health care providers
- 183 legally organized as a partnership, professional corporation, or similar association, for
- 184 which:
- 185 (a) substantially all of the services of the health care providers who are members of the
- 186 group are provided through the group and are billed in the name of the group and
- 187 amounts received are treated as receipts of the group; and
- 188 (b) the overhead expenses of and the income from the practice are distributed in
- 189 accordance with methods previously determined by members of the group.
- 190 [~~(37)~~] (38) "Private-placement child" means a child whose parent or guardian enters into a
- 191 contract with a congregate care program for the child to receive services.
- 192 (39) "Qualifying residential treatment program" means a residential treatment program that
- 193 is licensed under this part and:
- 194 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms
- 195 are defined in Section 16-6a-102; or
- 196 (b) receives any local, state, or federal government funding, government grant money, or
- 197 any other form of government assistance to operate or provide services or training in
- 198 the ordinary course of business.
- 199 (40) "Qualifying recovery residence" means a recovery residence that is licensed under this

200 part and:

201 (a) is operated as a nonprofit corporation or foreign nonprofit corporation, as those terms
 202 are defined in Section 16-6a-102; or

203 (b) receives any local, state, or federal government funding, government grant money, or
 204 any other form of government assistance to operate or provide services or training in
 205 the ordinary course of business.

206 [(38)] (41)(a) "Recovery residence" means a home, residence, or facility that meets at
 207 least two of the following requirements:

208 (i) provides a supervised living environment for individuals recovering from a
 209 substance use disorder;

210 (ii) provides a living environment in which more than half of the individuals in the
 211 residence are recovering from a substance use disorder;

212 (iii) provides or arranges for residents to receive services related to the resident's
 213 recovery from a substance use disorder, either on or off site;

214 (iv) is held out as a living environment in which individuals recovering from
 215 substance abuse disorders live together to encourage continued sobriety; or

216 (v)(A) receives public funding; or

217 (B) is run as a business venture, either for-profit or not-for-profit.

218 (b) "Recovery residence" does not mean:

219 (i) a residential treatment program;

220 (ii) residential support program; or

221 (iii) a home, residence, or facility, in which:

222 (A) residents, by a majority vote of the residents, establish, implement, and
 223 enforce policies governing the living environment, including the manner in
 224 which applications for residence are approved and the manner in which
 225 residents are expelled;

226 (B) residents equitably share rent and housing-related expenses; and

227 (C) a landlord, owner, or operator does not receive compensation, other than fair
 228 market rental income, for establishing, implementing, or enforcing policies
 229 governing the living environment.

230 [(39)] (42) "Regular business hours" means:

231 (a) the hours during which services of any kind are provided to a client; or

232 (b) the hours during which a client is present at the facility of a licensee.

233 [(40)] (43)(a) "Residential support program" means a program that arranges for or

- 234 provides the necessities of life as a protective service to individuals or families who
235 have a disability or who are experiencing a dislocation or emergency that prevents
236 them from providing these services for themselves or their families.
- 237 (b) "Residential support program" includes a program that provides a supervised living
238 environment for individuals with dysfunctions or impairments that are:
- 239 (i) emotional;
240 (ii) psychological;
241 (iii) developmental; or
242 (iv) behavioral.
- 243 (c) Treatment is not a necessary component of a residential support program.
- 244 (d) "Residential support program" does not include:
- 245 (i) a recovery residence; or
246 (ii) a program that provides residential services that are performed:
- 247 (A) exclusively under contract with the department and provided to individuals
248 through the Division of Services for People with Disabilities; or
249 (B) in a facility that serves fewer than four individuals.
- 250 [(41)] (44)(a) "Residential treatment" means a 24-hour group living environment for four
251 or more individuals unrelated to the owner or provider that offers room or board and
252 specialized treatment, behavior modification, rehabilitation, discipline, emotional
253 growth, or habilitation services for persons with emotional, psychological,
254 developmental, or behavioral dysfunctions, impairments, or chemical dependencies.
- 255 (b) "Residential treatment" does not include a:
- 256 (i) boarding school;
257 (ii) foster home; or
258 (iii) recovery residence.
- 259 [(42)] (45) "Residential treatment program" means a program or facility that provides:
- 260 (a) residential treatment; or
261 (b) intermediate secure treatment.
- 262 [(43)] (46) "Seclusion" means the involuntary confinement of an individual in a room or an
263 area:
- 264 (a) away from the individual's peers; and
265 (b) in a manner that physically prevents the individual from leaving the room or area.
- 266 [(44)] (47) "Short-term relief care provider" means an individual who:
- 267 (a) provides short-term and temporary relief care to a foster parent:

- 268 (i) for less than six consecutive nights; and
 269 (ii) in the short-term relief care provider's home;
- 270 (b) is an immediate family member or relative, as those terms are defined in Section
 271 80-3-102, of the foster parent;
- 272 (c) is direct access qualified, as that term is defined in Section 26B-2-120;
- 273 (d) has been approved to provide short-term relief care by the department;
- 274 (e) is not reimbursed by the department for the temporary relief care provided; and
 275 (f) is not an immediate family member or relative, as those terms are defined in Section
 276 80-3-102, of the foster child.
- 277 ~~[(45)]~~ (48) "Social detoxification" means short-term residential services for persons who are
 278 experiencing or have recently experienced drug or alcohol intoxication, that are provided
 279 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and
 280 Inspection, and that include:
- 281 (a) room and board for persons who are unrelated to the owner or manager of the facility;
 282 (b) specialized rehabilitation to acquire sobriety; and
 283 (c) aftercare services.
- 284 ~~[(46)]~~ (49) "Substance abuse disorder" or "substance use disorder" mean the same as
 285 "substance use disorder" is defined in Section 26B-5-501.
- 286 ~~[(47)]~~ (50) "Substance abuse treatment program" or "substance use disorder treatment
 287 program" means a program:
- 288 (a) designed to provide:
- 289 (i) specialized drug or alcohol treatment;
 290 (ii) rehabilitation; or
 291 (iii) habilitation services; and
- 292 (b) that provides the treatment or services described in Subsection ~~[(47)(a)]~~ (49)(a) to
 293 persons with:
- 294 (i) a diagnosed substance use disorder; or
 295 (ii) chemical dependency disorder.
- 296 ~~[(48)]~~ (51) "Therapeutic school" means a residential group living facility:
- 297 (a) for four or more individuals that are not related to:
- 298 (i) the owner of the facility; or
 299 (ii) the primary service provider of the facility;
- 300 (b) that serves students who have a history of failing to function:
- 301 (i) at home;

- 302 (ii) in a public school; or
- 303 (iii) in a nonresidential private school; and
- 304 (c) that offers:
- 305 (i) room and board; and
- 306 (ii) an academic education integrated with:
- 307 (A) specialized structure and supervision; or
- 308 (B) services or treatment related to:
- 309 (I) a disability;
- 310 (II) emotional development;
- 311 (III) behavioral development;
- 312 (IV) familial development; or
- 313 (V) social development.
- 314 [(49)] (52) "Unrelated persons" means persons other than parents, legal guardians,
- 315 grandparents, brothers, sisters, uncles, or aunts.
- 316 [(50)] (53) "Vulnerable adult" means an elder adult or an adult who has a temporary or
- 317 permanent mental or physical impairment that substantially affects the person's ability to:
- 318 (a) provide personal protection;
- 319 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 320 (c) obtain services necessary for health, safety, or welfare;
- 321 (d) carry out the activities of daily living;
- 322 (e) manage the adult's own resources; or
- 323 (f) comprehend the nature and consequences of remaining in a situation of abuse,
- 324 neglect, or exploitation.
- 325 [(51)] (54)(a) "Youth program" means a program designed to provide behavioral,
- 326 substance use, or mental health services to minors that:
- 327 (i) serves adjudicated or nonadjudicated youth;
- 328 (ii) charges a fee for the program's services;
- 329 (iii) may provide host homes or other arrangements for overnight accommodation of
- 330 the youth;
- 331 (iv) may provide all or part of the program's services in the outdoors;
- 332 (v) may limit or censor access to parents or guardians; and
- 333 (vi) prohibits or restricts a minor's ability to leave the program at any time of the
- 334 minor's own free will.
- 335 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl

336 Scouts, 4-H, and other such organizations.

337 [~~(52)~~] (55)(a) "Youth transportation company" means any person that transports a child
338 for payment to or from a congregate care program in Utah.

339 (b) "Youth transportation company" does not include:

340 (i) a relative of the child;

341 (ii) a state agency; or

342 (iii) a congregate care program's employee who transports the child from the
343 congregate care program that employs the employee and returns the child to the
344 same congregate care program.

345 Section 2. Section **26B-2-117** is amended to read:

346 **26B-2-117 . Licensing residential treatment programs and recovery residences --**
347 **Notification of local government.**

348 (1)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
349 the office shall make rules that establish categories of residential treatment and
350 recovery residence licenses based on differences in the types of residential treatment
351 programs and recovery residences.

352 (b) The categories referred to in Subsection (1)(a) may be based on differences in:

353 (i) services offered;

354 (ii) types of clients served;

355 (iii) risks posed to the community; or

356 (iv) other factors that make regulatory differences advisable.

357 (2) Subject to the requirements of federal and state law, and pursuant to the authority
358 granted by Section 26B-2-104, the office shall establish and enforce rules that:

359 (a)(i) relate generally to all categories of residential treatment program and recovery
360 residence licenses; and

361 [~~(b)~~] (ii) relate to specific categories of residential treatment program and recovery
362 residence licenses on the basis of the regulatory needs, as determined by the
363 office, of residential treatment programs and recovery residences within those
364 specific categories[-] ;

365 (b) preclude each qualified residential treatment program and each qualified recovery
366 residence from refusing to accept a client based solely on the client's use of
367 medication assisted treatment consistent with the recommendation of a licensed
368 prescriber or provider;

369 (c) require each qualified residential treatment program and each qualified recovery

- 370 residence to allow a client to receive medication assisted treatment as recommended
371 by a licensed prescriber or provider; and
- 372 (d) require that each Medicaid provider contract with a qualified residential treatment
373 program or a qualified recovery residence includes a provision obligating the
374 provider to comply with rules enacted pursuant to Subsections (2)(b) and (c), subject
375 to the sanctions provided pursuant to Subsection 26B-3-108(6).
- 376 (3)(a) Beginning July 1, 2014, the office shall charge an annual licensing fee, set by the
377 office in accordance with the procedures described in Section 63J-1-504, to a
378 recovery residence in an amount that will pay for the cost of the licensing and
379 inspection requirements described in this section and in Section 26B-2-104.
- 380 (b) The office shall deposit the licensing fees described in this section in the General
381 Fund as a dedicated credit to be used solely to pay for the cost of the licensing and
382 inspection requirements described in this section and in Section 26B-2-104.
- 383 (4) Before submitting an application for a license to operate a residential treatment
384 program, the applicant shall serve notice of its intent to operate a residential treatment
385 program on the governing body of:
- 386 (a) the city in which the residential treatment program will be located; or
387 (b) if the residential treatment program will be located in the unincorporated area of a
388 county, the county in which the residential treatment program will be located.
- 389 (5) The notice described in Subsection (4) shall include the following information relating
390 to the residential treatment program:
- 391 (a) an accurate description of the residential treatment program;
392 (b) the location where the residential treatment program will be operated;
393 (c) the services that will be provided by the residential treatment program;
394 (d) the type of clients that the residential treatment program will serve;
395 (e) the category of license for which the residential treatment program is applying to the
396 office;
397 (f) the name, telephone number, and address of a person that may be contacted to make
398 inquiries about the residential treatment program; and
399 (g) any other information that the office may require by rule.
- 400 (6) When submitting an application for a license to operate a residential treatment program,
401 the applicant shall include with the application:
- 402 (a) a copy of the notice described in Subsection (4); and
403 (b) proof that the applicant served the notice described in Subsection (4) on the

404 governing body described in Subsection (4).

405 Section 3. **Effective Date.**

406 This bill takes effect on May 7, 2025.