

Correctional Health Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**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 health care to inmates in a correctional facility that accounts for the specific challenges of providing health care in a correctional facility;
- allows the Board of Pardons and Parole (board) to appoint a designated examiner and to consider designated examiners' reports when considering when and under what conditions an

offender may be paroled, and allows the board to require assisted outpatient treatment as a condition of parole; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

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

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

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

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-1-235, as renumbered and amended by Laws of Utah 2023, Chapter 305

26B-1-410, as renumbered and amended by Laws of Utah 2023, Chapter 305

63A-17-307, as last amended by Laws of Utah 2023, Chapter 489

63I-2-264, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

64-13-25.1, as enacted by Laws of Utah 2024, Chapter 266

77-27-5, as last amended by Laws of Utah 2024, Chapters 145, 187 and 208

77-27-7, as last amended by Laws of Utah 2024, Chapters 144, 145

ENACTS:

26B-4-901, Utah Code Annotated 1953

26B-4-903, Utah Code Annotated 1953

26B-4-904, Utah Code Annotated 1953

26B-4-905, Utah Code Annotated 1953

26B-4-906, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

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

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

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

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

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

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

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

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

71 [(2)] (1) Funds provided to the department through Sections 51-9-201 and 59-14-204 to be
72 used to provide services, shall be awarded to non-governmental entities based on a
73 competitive process consistent with Title 63G, Chapter 6a, Utah Procurement Code.

74 [(3)] (2) Beginning July 1, 2010, and not more than every five years thereafter, the
75 department shall issue requests for proposals for new or renewing contracts to award
76 funding for programs under Subsection (1).

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

78 **26B-1-410 . Primary Care Grant Committee.**

79 (1) As used in this section:

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

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

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

84 (3) The committee shall:

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

87 (b) recommend, to the executive director, grant applications to award under Subsection
88 26B-4-310(1);

89 (c) evaluate:

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

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

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

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

95 (e) meet as necessary to carry out its duties, or upon a call by the committee chair or by
96 a majority of committee members; and

97 (f) make rules, with the concurrence of the department, in accordance with Title 63G,
98 Chapter 3, Utah Administrative Rulemaking Act, that govern the committee,
99 including the committee's grant selection criteria.

- (4) The committee shall consist of:
- (a) as chair, the executive director or an individual designated by the executive director;
 - and
 - (b) six members appointed by the governor to serve up to two consecutive, two-year terms of office, including:
 - (i) four licensed health care professionals; and
 - (ii) two community advocates who are familiar with a medically underserved population as defined in Section [26B-4-325] 26B-4-301 and with health care systems, where at least one is familiar with a rural medically underserved population.
- (5) The executive director may remove a committee member:
- (a) if the member is unable or unwilling to carry out the member's assigned responsibilities; or
 - (b) for a rational reason.
- (6) A committee member may not receive compensation or benefits for the member's service, except a committee member who is not an employee of the department may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

Section 3. Section **26B-4-901** is enacted to read:

Part 9. Inmate Health

26B-4-901 . Definitions.

As used in this part:

- (1) "Correctional facility" means a facility operated to house inmates in a secure or nonsecure setting:
 - (a) by the Department of Corrections; or
 - (b) under a contract with the Department of Corrections.
- (2) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- (3) "Inmate" means an individual who is:
 - (a) committed to the custody of the Department of Corrections; and
 - (b) housed at a correctional facility or at a county jail at the request of the Department of

Corrections.

- (4) "Medical monitoring technology" means a device, application, or other technology that can be used to improve health outcomes and the experience of care for patients, including evidence-based clinically evaluated software and devices that can be used to monitor and treat diseases and disorders.
- (5) "Medication assisted treatment" means the use of a medication, such as buprenorphine, methadone, or naltrexone, to treat substance use withdrawal symptoms or an opioid use disorder.
- (6) "Substance use disorder" means the same as that term is defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.
- (7) "Telehealth psychiatric consultation" means the same as that term is defined in Section 26B-1-328.
- (8) "Terminally ill" means the same as that term is defined in Section 31A-36-102.
- (9) "Unanticipated high-cost correctional health care" means inmate health care costs that:
- (a) the department is obligated to pay;
 - (b) were not and could not reasonably have been foreseen when creating the department's correctional health budget for the relevant fiscal year; and
 - (c) exceed \$100,000 for a single inmate.

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

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

[As used in this section:]

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

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

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

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

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

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

[(b) housed at a correctional facility or at a county jail at the request of the Department of

Corrections.]

~~[(4) "Medical monitoring technology" means a device, application, or other technology~~

166 ~~that can be used to improve health outcomes and the experience of care for patients;~~

167 ~~including evidence-based clinically evaluated software and devices that can be used to~~

168 ~~monitor and treat diseases and disorders.]~~

169 ~~[(5) "Terminally ill" means the same as that term is defined in Section 31A-36-102.]~~

170 ~~[(6)]~~ (1) The department shall:

171 (a) for each health care facility owned or operated by the Department of Corrections,
172 assist the Department of Corrections in complying with Section 64-13-39;

173 (b) in coordination with the Department of Corrections, and as the Department of
174 Correction's agent:

175 (i) create policies and procedures for providing comprehensive health care to inmates;

176 (ii) provide inmates with comprehensive health care; and

177 (iii) develop standard population indicators and performance measures relating to the
178 health of inmates;~~[and]~~

179 (c) collaborate with the Department of Corrections to comply with Section 64-13-25.1[-] ;
180 and

181 (d) contract with a telehealth psychiatric consultation provider to provide consultation
182 services to staff responsible for inmates' psychiatric care.

183 ~~[(7)]~~ (2) In providing the comprehensive health care described in Subsection ~~[(6)(b)(ii)]~~

184 ~~(1)(b)(ii)~~, the department may not, without entering into an agreement with the

185 Department of Corrections, provide, operate, or manage any treatment plans for inmates
186 that are:

187 (a) required to be provided, operated, or managed by the Department of Corrections in
188 accordance with Section 64-13-6; and

189 (b) not related to the comprehensive health care provided by the department.

190 ~~[(8)]~~ (3) Beginning July 1, 2023, and ending June 30, 2024, the department shall:

191 (a) evaluate and study the use of medical monitoring technology and create a plan for a
192 pilot program that identifies:

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

- (ii) eligibility for participation in the pilot program; and
- (b) make the indicators and performance measures described in Subsection [(6)(b)(iii)] (1)(b)(iii) available to the public through the Department of Corrections and the department websites.

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

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

- (a) a report on or before October 1 of each year regarding the costs and benefits of the pilot program;
- (b) a report that summarizes the indicators and performance measures described in Subsection [(6)(b)(iii)] (1)(b)(iii) on or before October 1, 2024; and
- (c) an updated report before October 1 of each year that compares the indicators and population measures of the most recent year to the initial report described in Subsection [(10)(b)] (5)(b).

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

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

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

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

- (a) identification of the department's electronic health record system requirements;
- (b) an analysis of what features of an electronic health record system are needed to maximize the implementation, effectiveness, and efficiency of the waiver described in Section 26B-3-217; and
- (c) a determination of whether the department's current electronic health record system meets the requirements and includes the features identified under Subsections (1)(a) and (b).

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

(3) If the working group determines that the department's current electronic health record system does not meet the department's requirements identified pursuant to Subsection (1)(a) or does not include the features identified under Subsection (1)(b), the department

shall contract for an electronic health record system, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, that meets the requirements and has the features identified pursuant to Subsections (1)(a) and (b).

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

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

- (1)(a) Except as provided in Subsection (1)(b), the department shall contract with psychiatrists to ensure that all correctional psychiatric positions are filled.
- (b) If all correctional psychiatric positions are filled by internal staff for six continuous months:
- (i) the department shall submit a certification of that fact to the Health and Human Services Interim Committee; and
- (ii) the department is exempt from the requirement in Subsection (1)(a) for a period of 24 months from the date the certification is submitted to the Health and Human Services Interim Committee.
- (2) On or before September 1 each year, the department shall provide a report to the Health and Human Services Interim Committee that includes, for the fiscal year immediately preceding the report:
- (a) a description of the staff positions responsible for providing comprehensive health care to inmates, including an identification of any staff position that was open for more than half of the preceding fiscal year;
- (b) the average time after admission for an inmate to receive:
- (i) an initial health assessment;
- (ii) a mental health evaluation; and
- (iii) an oral examination by a dentist;
- (c) the number of inmates who did not receive an initial health assessment within seven days after admission;
- (d) the number of inmates who did not receive a mental health evaluation within 30 days after admission;
- (e) the number of inmates who did not receive an oral examination by a dentist within 30 days after admission;
- (f) the average time for an inmate to have a face-to-face encounter with department staff after the inmate submits a health care request; and
- (g) the number of inmates who did not have a face-to-face encounter with department staff within 24 hours after the inmate submitted a health care request.

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

26B-4-905 . Nonlapsing funds.

- (1) Funds appropriated by the Legislature to the department for the purpose of paying for unanticipated high-cost correctional health care:
- (a) are nonlapsing; and
- (b) may only be used to pay for health care costs that meet the definition of unanticipated high-cost correctional health care.
- (2) In any year that the department uses funds for the purpose described in Subsection (1), the department shall provide a report to the Social Services Appropriations Subcommittee and the Health and Human Services Interim Committee that includes:
- (a) the amount expended; and
- (b) the balance of unexpended funds appropriated to the department for unanticipated high-cost correctional health care.

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

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

- (1) The department, in consultation with the Department of Corrections, shall prepare and implement a plan to provide, in accordance with current medical standards, substance use disorder treatment to all inmates who suffer from a substance use disorder.
- (2) The plan described in Subsection (1) shall include the use of medication assisted treatment as medically necessary.
- (3) The department shall consult and may contract with addiction specialists at the Huntsman Mental Health Institute to prepare and implement the plan described in Subsection (1).
- (4) The department shall provide an annual report on the preparation and implementation of the plan described in Subsection (1) to the Health and Human Services Interim Committee on or before the date of the committee's August interim meeting.

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

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

- (1)(a) This section, and the rules made by the division under this section, apply to each career and noncareer employee not specifically exempted under Subsection (2).
- (b) If not exempted under Subsection (2), an employee is considered to be in classified service.
- (2) The following employees are exempt from this section:

- (a) members of the Legislature and legislative employees;
 - (b) members of the judiciary and judicial employees;
 - (c) elected members of the executive branch and employees designated as schedule AC as provided under Subsection 63A-17-301(1)(c);
 - (d) employees of the State Board of Education;
 - (e) officers, faculty, and other employees of state institutions of higher education;
 - (f) employees in a position that is specified by statute to be exempt from this Subsection (2);
 - (g) employees in the Office of the Attorney General;
 - (h) department heads and other persons appointed by the governor under statute;
 - (i) schedule AS employees as provided under Subsection 63A-17-301(1)(m);
 - (j) department deputy directors, division directors, and other employees designated as schedule AD as provided under Subsection 63A-17-301(1)(d);
 - (k) employees that determine and execute policy designated as schedule AR as provided under Subsection 63A-17-301(1)(l);
 - (l) teaching staff, educational interpreters, and educators designated as schedule AH as provided under Subsection 63A-17-301(1)(g);
 - (m) temporary employees described in Subsection 63A-17-301(1)(r);
 - (n) patients and inmates designated as schedule AU as provided under Subsection 63A-17-301(1)(o) who are employed by state institutions; and
 - (o) members of state and local boards and councils and other employees designated as schedule AQ as provided under Subsection 63A-17-301(1)(k).
- (3)(a) The director shall prepare, maintain, and revise a position classification plan for each employee position not exempted under Subsection (2) to provide equal pay for equal work.
- (b) Classification of positions shall be based upon similarity of duties performed and responsibilities assumed, so that the same job requirements and the same salary range, subject to Section 63A-17-112, may be applied equitably to each position in the same class.
- (c) The director shall allocate or reallocate the position of each employee in classified service to one of the classes in the classification plan.
- (d)(i) The division shall conduct periodic studies and interviews to provide that the classification plan remains reasonably current and reflects the duties and responsibilities assigned to and performed by employees.

(ii) The director shall determine the need for studies and interviews after considering factors such as changes in duties and responsibilities of positions or agency reorganizations.

(e) In accordance with Subsections (3)(a) and (b), and in consultation with the Department of Health and Human Services and the Department of Corrections, the director may create a classification plan for employee positions responsible for providing comprehensive health care to inmates in a correctional facility, as those terms are defined in Section 26B-4-901, that accounts for the specific challenges of providing health care in a correctional facility.

(4)(a) With the approval of the executive director and the governor, the director shall develop and adopt pay plans for each position in classified service.

(b) The director shall design each pay plan to achieve, to the degree that funds permit, comparability of state salary ranges to the market using data obtained from private enterprise and other public employment for similar work.

(c) The director shall adhere to the following in developing each pay plan:

(i) each pay plan shall consist of sufficient salary ranges to:

(A) permit adequate salary differential among the various classes of positions in the classification plan; and

(B) reflect the normal growth and productivity potential of employees in that class.

(ii) The director shall issue rules for the administration of pay plans.

(d) The establishing of a salary range is a nondelegable activity and is not appealable under the grievance procedures of Part 6, Grievance Provisions, Title 67, Chapter 19a, Grievance Procedures, or otherwise.

(e) The director shall make rules, accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for:

(i) agency approved salary adjustments within approved salary ranges, including an administrative salary adjustment; and

(ii) structure adjustments that modify salary ranges, including a cost of living adjustment or market comparability adjustment.

(5)(a) On or before October 31 of each year, the director shall submit an annual compensation plan to the executive director and the governor for consideration in the executive budget and to the State Employee Benefits Advisory Commission created in Section 63C-31-102.

(b) The plan described in Subsection (5)(a) may include recommendations, including:

- (i) salary increases that generally affect employees, including a general increase or merit increase;
- (ii) salary increases that address compensation issues unique to an agency or occupation;
- (iii) structure adjustments, including a cost of living adjustment or market comparability adjustment; or
- (iv) changes to employee benefits.

(c)(i)(A) Subject to Subsection (5)(c)(i)(B) or (C), the director shall incorporate the results of a salary survey of a reasonable cross section of comparable positions in private and public employment in the state into the annual compensation plan.

(B) The salary survey for a law enforcement officer, as defined in Section 53-13-103, a correctional officer, as defined in Section 53-13-104, or a dispatcher, as defined in Section 53-6-102, shall at minimum include the three largest political subdivisions in the state that employ, respectively, comparable positions.

(C) The salary survey for an examiner or supervisor described in Title 7, Chapter 1, Part 2, Department of Financial Institutions, shall at minimum include the Federal Deposit Insurance Corporation, Federal Reserve, and National Credit Union Administration.

(ii) The director may cooperate with or participate in any survey conducted by other public and private employers.

(iii) The director shall obtain information for the purpose of constructing the survey from the Division of Workforce Information and Payment Services and shall include employer name, number of persons employed by the employer, employer contact information and job titles, county code, and salary if available.

(iv) The division shall acquire and protect the needed records in compliance with the provisions of Section 35A-4-312.

(d) The director may incorporate any other relevant information in the plan described in Subsection (5)(a), including information on staff turnover, recruitment data, or external market trends.

(e) The director shall:

- (i) establish criteria to assure the adequacy and accuracy of data used to make recommendations described in this Subsection (5); and

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

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

officer of the correctional facility;

(c) may, as funding permits, be paid for by the department or the Department of Health and Human Services; and

(d) may be left or stored at a correctional facility at the discretion of the chief administrative officer of the correctional facility.

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

(a) had an active medication assisted treatment plan within the six months preceding commitment to the custody of the department;

(b) continued a medication assisted treatment plan following commitment to the custody of the department; and

(c) discontinued a medication assisted treatment plan prior to, at the time of, or after commitment to the custody of the department and, as available, the type of medication discontinued and the reason for the discontinuation.

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

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

(1)(a) Subject to this chapter and other laws of the state, and except for a conviction for treason or impeachment, the board shall determine by majority decision when and under what conditions an offender's conviction may be pardoned or commuted.

(b) The board shall determine by majority decision when and under what conditions an offender committed to serve a sentence at a penal or correctional facility, which is under the jurisdiction of the department, may:

(i) be released upon parole;

(ii) have a fine or forfeiture remitted;

(iii) have the offender's criminal accounts receivable remitted in accordance with Section 77-32b-105 or 77-32b-106;

(iv) have the offender's payment schedule modified in accordance with Section 77-32b-103; or

(v) have the offender's sentence terminated.

(c) The board shall prioritize public safety when making a determination under Subsection (1)(a) or (1)(b).

(d)(i) The board may sit together or in panels to conduct hearings.

- 501 (ii) The chair shall appoint members to the panels in any combination and in
502 accordance with rules made by the board in accordance with Title 63G, Chapter 3,
503 Utah Administrative Rulemaking Act.
- 504 (iii) The chair may participate on any panel and when doing so is chair of the panel.
- 505 (iv) The chair of the board may designate the chair for any other panel.
- 506 (e)(i) Except after a hearing before the board, or the board's appointed examiner, in
507 an open session, the board may not:
- 508 (A) remit a fine or forfeiture for an offender or the offender's criminal accounts
509 receivable;
- 510 (B) release the offender on parole; or
- 511 (C) commute, pardon, or terminate an offender's sentence.
- 512 (ii) An action taken under this Subsection (1) other than by a majority of the board
513 shall be affirmed by a majority of the board.
- 514 (f) A commutation or pardon may be granted only after a full hearing before the board.
- 515 (2)(a) In the case of a hearing, timely prior notice of the time and location of the hearing
516 shall be given to the offender.
- 517 (b) The county or district attorney's office responsible for prosecution of the case, the
518 sentencing court, and law enforcement officials responsible for the defendant's arrest
519 and conviction shall be notified of any board hearings through the board's website.
- 520 (c) Whenever possible, the victim or the victim's representative, if designated, shall be
521 notified of original hearings and any hearing after that if notification is requested and
522 current contact information has been provided to the board.
- 523 (d)(i) Notice to the victim or the victim's representative shall include information
524 provided in Section 77-27-9.5, and any related rules made by the board under that
525 section.
- 526 (ii) The information under Subsection (2)(d)(i) shall be provided in terms that are
527 reasonable for the lay person to understand.
- 528 (3)(a) A decision by the board is final and not subject for judicial review if the decision
529 is regarding:
- 530 (i) a pardon, parole, commutation, or termination of an offender's sentence;
- 531 (ii) the modification of an offender's payment schedule for restitution; or
- 532 (iii) the remission of an offender's criminal accounts receivable or a fine or forfeiture.
- 533 (b) Deliberative processes are not public and the board is exempt from Title 52, Chapter
534 4, Open and Public Meetings Act, when the board is engaged in the board's

deliberative process.

(c) Pursuant to Subsection 63G-2-103(25)(b)(xi), records of the deliberative process are exempt from Title 63G, Chapter 2, Government Records Access and Management Act.

(d) Unless it will interfere with a constitutional right, deliberative processes are not subject to disclosure, including discovery.

(e) Nothing in this section prevents the obtaining or enforcement of a civil judgment.

(4)(a) This chapter may not be construed as a denial of or limitation of the governor's power to grant respite or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment.

(b) Notwithstanding Subsection (4)(a), respites or reprieves may not extend beyond the next session of the board.

(c) At the next session of the board, the board:

(i) shall continue or terminate the respite or reprieve; or

(ii) may commute the punishment or pardon the offense as provided.

(d) In the case of conviction for treason, the governor may suspend execution of the sentence until the case is reported to the Legislature at the Legislature's next session.

(e) The Legislature shall pardon or commute the sentence or direct the sentence's execution.

(5)(a) In determining when, where, and under what conditions an offender serving a sentence may be paroled or pardoned, have a fine or forfeiture remitted, have the offender's criminal accounts receivable remitted, or have the offender's sentence commuted or terminated, the board shall:

(i) consider whether the offender has made restitution ordered by the court under Section 77-38b-205, or is prepared to pay restitution as a condition of any parole, pardon, remission of a criminal accounts receivable or a fine or forfeiture, or a commutation or termination of the offender's sentence;

(ii) except as provided in Subsection (5)(b), develop and use a list of criteria for making determinations under this Subsection (5);

(iii) consider information provided by the department regarding an offender's individual case action plan; and

(iv) review an offender's status within 60 days after the day on which the board receives notice from the department that the offender has completed all of the offender's case action plan components that relate to activities that can be

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

commitment to the custody of the department.

(ii) For purposes of Subsection (1)(b)(i), a pending criminal case includes:

(A) uncharged conduct that is being screened for prosecution, unless one year has passed since the day on which the board was notified of the screening and no charge has been filed within that time period; and

(B) charged conduct that has not reached resolution.

(c) If the board delays setting the hearing date as described in Subsection (1)(b), the board shall set a hearing date no later than six months after the day on which the final criminal case described in Subsection (1)(b) has been resolved.

(d)(i) If the board delays setting the hearing date as described in Subsection (1)(b), the board shall establish and use a process to monitor the progress of the pending criminal action by seeking or obtaining updates no less frequently than every six months.

(ii) The board shall establish the process described in Subsection (1)(d)(i) by creating rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(e) When determining the hearing date under Subsection (1)(a), the board shall consider:

(i) the type and severity of offenses;

(ii) prior criminal history;

(iii) criminogenic risk factors; and

(iv) evidence-based assessments.

(2)(a) Before reaching a final decision to release an offender under this chapter, the chair shall cause the offender to appear before the board, the board's panel, or an appointed hearing officer, who shall personally interview the offender to consider the offender's fitness for release and verify as far as possible information furnished from other sources.

(b) An offender may waive a personal appearance before the board.

(c)(i) An offender outside of the state shall, if ordered by the board, submit to a courtesy hearing to be held by the appropriate authority in the jurisdiction in which the offender is housed in lieu of an appearance before the board.

(ii) The offender shall be promptly notified in writing of the board's decision.

(3)(a) In the case of an offender convicted of violating or attempting to violate any of the provisions of Section 76-5-301.1, Subsection 76-5-302(2)(b)(vi), 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,

76-5-404.1, 76-5-404.3, or 76-5-405, the chair may appoint one or more licensed mental health professionals who shall examine the offender within six months prior to a hearing at which an original parole date is granted on any offense listed in this Subsection (3).

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

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

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

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

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

(A) the offender has a mental illness;

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

(C) the offender lacks the ability to engage in a rational decision-making process regarding the acceptance of mental health treatment as demonstrated by evidence of an inability to weigh the possible risks of accepting or rejecting treatment, or the offender needs assisted outpatient treatment in order to prevent relapse or deterioration that is likely to result in the offender posing a substantial danger to self or others.

(ii) Based on the designated examiners' reports, the board may require assisted

outpatient treatment as a condition of parole for an offender with a mental illness.
 (iii) If assisted outpatient treatment is ordered, failure to continue treatment, except
 by agreement with the treatment provider and the board, is a basis for initiation of
 parole violation hearings by the board.

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

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

Section 14. **FY 2026 Appropriation.**

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

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

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

ITEM 1 To Department of Health and Human Services - Correctional Health Services

From Medicaid Expansion Fund, One-time	2,460,000
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Schedule of Programs:

Correctional Health Services	2,460,000
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The Legislature intends that the Department of Health and Human Services use the
 appropriations provided under this section to pay for unanticipated high-cost
 correctional health care as described in Section 26B-4-905.

ITEM 2 To Department of Health and Human Services - Correctional Health Services

From General Fund, One-time	540,000
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Schedule of Programs:

Correctional Health Services	540,000
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The Legislature intends that the Department of Health and Human Services use the
 appropriations provided under this section to pay for unanticipated high-cost
 correctional health care as described in Section 26B-4-905.

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

From General Fund, One-time	1,800,000
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705	From Medicaid Expansion Fund, One-time	8,200,000
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706 Schedule of Programs:

707	Integrated Health Care Administration	10,000,000
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708 The Legislature intends that the Department of Health and Human Services use the
709 appropriations provided under this section to pay for an electronic health record
710 system as described in Section 26B-4-903.

711 Subsection 14(b) **Restricted Fund and Account Transfers**

712 The Legislature authorizes the State Division of Finance to transfer the following
713 amounts between the following funds or accounts as indicated. Expenditures and
714 outlays from the funds to which the money is transferred must be authorized by an
715 appropriation.

716 ITEM 4 To Medicaid ACA Fund

717	From General Fund, One-time	(1,800,000)
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718 Schedule of Programs:

719	Medicaid ACA Fund	(1,800,000)
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720 Section 15. **Effective Date.**

721 This bill takes effect on May 7, 2025.