

**Effective 5/3/2023**

## **Part 1**

### **General Provisions**

#### **26B-5-101 Chapter definitions.**

As used in this chapter:

- (1) "Criminal risk factors" means a person's characteristics and behaviors that:
  - (a) affect the person's risk of engaging in criminal behavior; and
  - (b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in reduced risk of criminal behavior.
- (2) "Director" means the director appointed under Section 26B-5-103.
- (3) "Division" means the Division of Integrated Healthcare created in Section 26B-1-1202.
- (4) "Local mental health authority" means a county legislative body.
- (5) "Local substance abuse authority" means a county legislative body.
- (6) "Mental health crisis" means:
  - (a) a mental health condition that manifests in an individual by symptoms of sufficient severity that a prudent layperson who possesses an average knowledge of mental health issues could reasonably expect the absence of immediate attention or intervention to result in:
    - (i) serious danger to the individual's health or well-being; or
    - (ii) a danger to the health or well-being of others; or
  - (b) a mental health condition that, in the opinion of a mental health therapist or the therapist's designee, requires direct professional observation or intervention.
- (7) "Mental health crisis response training" means community-based training that educates laypersons and professionals on the warning signs of a mental health crisis and how to respond.
- (8) "Mental health crisis services" means an array of services provided to an individual who experiences a mental health crisis, which may include:
  - (a) direct mental health services;
  - (b) on-site intervention provided by a mobile crisis outreach team;
  - (c) the provision of safety and care plans;
  - (d) prolonged mental health services for up to 90 days after the day on which an individual experiences a mental health crisis;
  - (e) referrals to other community resources;
  - (f) local mental health crisis lines; and
  - (g) the statewide mental health crisis line.
- (9) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and mental health professionals that, in coordination with local law enforcement and emergency medical service personnel, provides mental health crisis services.
- (11) "Office" means the Office of Substance Use and Mental Health created in Section 26B-5-102.
- (12)
  - (a) "Public funds" means federal money received from the department, and state money appropriated by the Legislature to the department, a county governing body, or a local substance abuse authority, or a local mental health authority for the purposes of providing substance abuse or mental health programs or services.
  - (b) "Public funds" include federal and state money that has been transferred by a local substance abuse authority or a local mental health authority to a private provider under an annual or

otherwise ongoing contract to provide comprehensive substance abuse or mental health programs or services for the local substance abuse authority or local mental health authority. The money maintains the nature of "public funds" while in the possession of the private entity that has an annual or otherwise ongoing contract with a local substance abuse authority or a local mental health authority to provide comprehensive substance use or mental health programs or services for the local substance abuse authority or local mental health authority.

- (c) Public funds received for the provision of services under substance use or mental health service plans may not be used for any other purpose except those authorized in the contract between the local mental health or substance abuse authority and provider for the provision of plan services.
- (13) "Severe mental disorder" means schizophrenia, major depression, bipolar disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by the division.
- (14) "Stabilization services" means in-home services provided to a child with, or who is at risk for, complex emotional and behavioral needs, including teaching the child's parent or guardian skills to improve family functioning.
- (15) "Statewide mental health crisis line" means the same as that term is defined in Section 26B-5-610.
- (16) "System of care" means a broad, flexible array of services and supports that:
  - (a) serve a child with or who is at risk for complex emotional and behavioral needs;
  - (b) are community based;
  - (c) are informed about trauma;
  - (d) build meaningful partnerships with families and children;
  - (e) integrate service planning, service coordination, and management across state and local entities;
  - (f) include individualized case planning;
  - (g) provide management and policy infrastructure that supports a coordinated network of interdepartmental service providers, contractors, and service providers who are outside of the department; and
  - (h) are guided by the type and variety of services needed by a child with or who is at risk for complex emotional and behavioral needs and by the child's family.
- (17) "Targeted case management" means a service that assists Medicaid recipients in a target group to gain access to needed medical, social, educational, and other services.

Amended by Chapter 240, 2024 General Session

Amended by Chapter 420, 2024 General Session

## **26B-5-102 Division of Integrated Healthcare -- Office of Substance Use and Mental Health -- Creation -- Responsibilities.**

- (1)
  - (a) The Division of Integrated Healthcare shall exercise responsibility over the policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities outlined in state law that were previously vested in the Division of Substance Abuse and Mental Health within the department, under the administration and general supervision of the executive director.
  - (b) The division is the substance abuse authority and the mental health authority for this state.
  - (c) There is created the Office of Substance Use and Mental Health within the division.
  - (d) The office shall exercise the responsibilities, powers, rights, duties, and responsibilities assigned to the office by the executive director.

(2) The division shall:

(a)

- (i) educate the general public regarding the nature and consequences of substance use by promoting school and community-based prevention programs;
- (ii) render support and assistance to public schools through approved school-based substance abuse education programs aimed at prevention of substance use;
- (iii) promote or establish programs for the prevention of substance use within the community setting through community-based prevention programs;
- (iv) cooperate with and assist treatment centers, recovery residences, and other organizations that provide services to individuals recovering from a substance use disorder, by identifying and disseminating information about effective practices and programs;
- (v) promote integrated programs that address an individual's substance use, mental health, and physical health;
- (vi) establish and promote an evidence-based continuum of screening, assessment, prevention, treatment, and recovery support services in the community for individuals with a substance use disorder or mental illness;
- (vii) evaluate the effectiveness of programs described in this Subsection (2);
- (viii) consider the impact of the programs described in this Subsection (2) on:
  - (A) emergency department utilization;
  - (B) jail and prison populations;
  - (C) the homeless population; and
  - (D) the child welfare system; and
- (ix) promote or establish programs for education and certification of instructors to educate individuals convicted of driving under the influence of alcohol or drugs or driving with any measurable controlled substance in the body;

(b)

- (i) collect and disseminate information pertaining to mental health;
- (ii) provide direction over the state hospital including approval of the state hospital's budget, administrative policy, and coordination of services with local service plans;
- (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to educate families concerning mental illness and promote family involvement, when appropriate, and with patient consent, in the treatment program of a family member;
- (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to direct that an individual receiving services through a local mental health authority or the Utah State Hospital be informed about and, if desired by the individual, provided assistance in the completion of a declaration for mental health treatment in accordance with Section 26B-5-313; and
- (v) to the extent authorized and in accordance with statute, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
  - (A) create a certification for targeted case management;
  - (B) establish training and certification requirements;
  - (C) specify the types of services each certificate holder is qualified to provide;
  - (D) specify the type of supervision under which a certificate holder is required to operate; and
  - (E) specify continuing education and other requirements for maintaining or renewing certification;

(c)

- (i) consult and coordinate with local substance abuse authorities and local mental health authorities regarding programs and services;

- (ii) provide consultation and other assistance to public and private agencies and groups working on substance use and mental health issues;
  - (iii) promote and establish cooperative relationships with courts, hospitals, clinics, medical and social agencies, public health authorities, law enforcement agencies, education and research organizations, and other related groups;
  - (iv) promote or conduct research on substance use and mental health issues, and submit to the governor and the Legislature recommendations for changes in policy and legislation;
  - (v) receive, distribute, and provide direction over public funds for substance use and mental health services;
  - (vi) monitor and evaluate programs provided by local substance abuse authorities and local mental health authorities;
  - (vii) examine expenditures of local, state, and federal funds;
  - (viii) monitor the expenditure of public funds by:
    - (A) local substance abuse authorities;
    - (B) local mental health authorities; and
    - (C) in counties where they exist, a private contract provider that has an annual or otherwise ongoing contract to provide comprehensive substance abuse or mental health programs or services for the local substance abuse authority or local mental health authority;
  - (ix) contract with local substance abuse authorities and local mental health authorities to provide a comprehensive continuum of services that include community-based services for individuals involved in the criminal justice system, in accordance with division policy, contract provisions, and the local plan;
  - (x) contract with private and public entities for special statewide or nonclinical services, or services for individuals involved in the criminal justice system, according to division rules;
  - (xi) review and approve each local substance abuse authority's plan and each local mental health authority's plan in order to ensure:
    - (A) a statewide comprehensive continuum of substance use services;
    - (B) a statewide comprehensive continuum of mental health services;
    - (C) services result in improved overall health and functioning;
    - (D) a statewide comprehensive continuum of community-based services designed to reduce criminal risk factors for individuals who are determined to have substance use or mental illness conditions or both, and who are involved in the criminal justice system;
    - (E) compliance, where appropriate, with the certification requirements in Subsection (2)(h); and
    - (F) appropriate expenditure of public funds;
  - (xii) review and make recommendations regarding each local substance abuse authority's contract with the local substance abuse authority's provider of substance use programs and services and each local mental health authority's contract with the local mental health authority's provider of mental health programs and services to ensure compliance with state and federal law and policy;
  - (xiii) monitor and ensure compliance with division rules and contract requirements; and
  - (xiv) withhold funds from local substance abuse authorities, local mental health authorities, and public and private providers for contract noncompliance, failure to comply with division directives regarding the use of public funds, or for misuse of public funds or money;
- (d) ensure that the requirements of this part are met and applied uniformly by local substance abuse authorities and local mental health authorities across the state;

- (e) require each local substance abuse authority and each local mental health authority, in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to the division on or before May 15 of each year;
- (f) conduct an annual program audit and review of each local substance abuse authority and each local substance abuse authority's contract provider, and each local mental health authority and each local mental health authority's contract provider, including:
  - (i) a review and determination regarding whether:
    - (A) public funds allocated to the local substance abuse authority or the local mental health authorities are consistent with services rendered by the authority or the authority's contract provider, and with outcomes reported by the authority's contract provider; and
    - (B) each local substance abuse authority and each local mental health authority is exercising sufficient oversight and control over public funds allocated for substance use disorder and mental health programs and services; and
  - (ii) items determined by the division to be necessary and appropriate;
- (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
- (h)
  - (i) train and certify an adult as a peer support specialist, qualified to provide peer supports services to an individual with:
    - (A) a substance use disorder;
    - (B) a mental health disorder; or
    - (C) a substance use disorder and a mental health disorder;
  - (ii) certify a person to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist;
  - (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
    - (A) establish training and certification requirements for a peer support specialist;
    - (B) specify the types of services a peer support specialist is qualified to provide;
    - (C) specify the type of supervision under which a peer support specialist is required to operate; and
    - (D) specify continuing education and other requirements for maintaining or renewing certification as a peer support specialist; and
  - (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
    - (A) establish the requirements for a person to be certified to carry out, as needed, the division's duty to train and certify an adult as a peer support specialist; and
    - (B) specify how the division shall provide oversight of a person certified to train and certify a peer support specialist;
- (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze and provide recommendations to the Legislature regarding:
  - (i) pretrial services and the resources needed to reduce recidivism;
  - (ii) county jail and county behavioral health early-assessment resources needed for an individual convicted of a class A or class B misdemeanor; and
  - (iii) the replacement of federal dollars associated with drug interdiction law enforcement task forces that are reduced;
- (j) establish performance goals and outcome measurements for a mental health or substance use treatment program that is licensed under Chapter 2, Part 1, Human Services Programs and Facilities, and contracts with the department, including goals and measurements related

- to employment and reducing recidivism of individuals receiving mental health or substance use treatment who are involved with the criminal justice system;
- (k) annually, on or before November 30, submit a written report to the Judiciary Interim Committee, the Health and Human Services Interim Committee, and the Law Enforcement and Criminal Justice Interim Committee, that includes:
  - (i) a description of the performance goals and outcome measurements described in Subsection (2)(j); and
  - (ii) information on the effectiveness of the goals and measurements in ensuring appropriate and adequate mental health or substance use treatment is provided in a treatment program described in Subsection (2)(j);
- (l) collaborate with the Administrative Office of the Courts, the Department of Corrections, the Department of Workforce Services, and the Board of Pardons and Parole to collect data on recidivism in accordance with the metrics and requirements described in Section 63M-7-102;
- (m) at the division's discretion, use the data described in Subsection (2)(l) to make decisions regarding the use of funds allocated to the division to provide treatment;
- (n) annually, on or before August 31, submit the data collected under Subsection (2)(l) and any recommendations to improve the data collection to the State Commission on Criminal and Juvenile Justice to be included in the report described in Subsection 63M-7-204(1)(x);
- (o) publish the following on the division's website:
  - (i) the performance goals and outcome measurements described in Subsection (2)(j); and
  - (ii) a description of the services provided and the contact information for the mental health and substance use treatment programs described in Subsection (2)(j) and residential, vocational and life skills programs, as defined in Section 13-53-102; and
- (p) consult and coordinate with the Division of Child and Family Services to develop and manage the operation of a program designed to reduce substance use during pregnancy and by parents of a newborn child that includes:
  - (i) providing education and resources to health care providers and individuals in the state regarding prevention of substance use during pregnancy;
  - (ii) providing training to health care providers in the state regarding screening of a pregnant woman or pregnant minor to identify a substance use disorder; and
  - (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn child in need of substance use treatment services to a facility that has the capacity to provide the treatment services.
- (3) In addition to the responsibilities described in Subsection (2), the division shall, within funds appropriated by the Legislature for this purpose, implement and manage the operation of a firearm safety and suicide prevention program, in consultation with the Bureau of Criminal Identification created in Section 53-10-201, including:
  - (a) coordinating with local mental health and substance abuse authorities, a nonprofit behavioral health advocacy group, and a representative from a Utah-based nonprofit organization with expertise in the field of firearm use and safety that represents firearm owners, to:
    - (i) produce and periodically review and update a firearm safety brochure and other educational materials with information about the safe handling and use of firearms that includes:
      - (A) information on safe handling, storage, and use of firearms in a home environment;
      - (B) information about at-risk individuals and individuals who are legally prohibited from possessing firearms;
      - (C) information about suicide prevention awareness; and
      - (D) information about the availability of firearm safety packets;
    - (ii) procure cable-style gun locks for distribution under this section;

- (iii) produce a firearm safety packet that includes the firearm safety brochure and the cable-style gun lock described in this Subsection (3); and
  - (iv) create a suicide prevention education course that:
    - (A) provides information for distribution regarding firearm safety education;
    - (B) incorporates current information on how to recognize suicidal behaviors and identify individuals who may be suicidal; and
    - (C) provides information regarding crisis intervention resources;
  - (b) distributing, free of charge, the firearm safety packet to the following persons, who shall make the firearm safety packet available free of charge:
    - (i) health care providers, including emergency rooms;
    - (ii) mobile crisis outreach teams;
    - (iii) mental health practitioners;
    - (iv) other public health suicide prevention organizations;
    - (v) entities that teach firearm safety courses;
    - (vi) school districts for use in the seminar, described in Section 53G-9-702, for parents of students in the school district; and
    - (vii) firearm dealers to be distributed in accordance with Section 76-10-526;
  - (c) creating and administering a rebate program that includes a rebate that offers between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident; and
  - (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, making rules that establish procedures for:
    - (i) producing and distributing the suicide prevention education course and the firearm safety brochures and packets;
    - (ii) procuring the cable-style gun locks for distribution; and
    - (iii) administering the rebate program.
- (4)
  - (a) The division may refuse to contract with and may pursue legal remedies against any local substance abuse authority or local mental health authority that fails, or has failed, to expend public funds in accordance with state law, division policy, contract provisions, or directives issued in accordance with state law.
  - (b) The division may withhold funds from a local substance abuse authority or local mental health authority if the authority's contract provider of substance use or mental health programs or services fails to comply with state and federal law or policy.
- (5)
  - (a) Before reissuing or renewing a contract with any local substance abuse authority or local mental health authority, the division shall review and determine whether the local substance abuse authority or local mental health authority is complying with the oversight and management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and 17-43-309.
  - (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and liability described in Section 17-43-303 and to the responsibility and liability described in Section 17-43-203.
- (6) In carrying out the division's duties and responsibilities, the division may not duplicate treatment or educational facilities that exist in other divisions or departments of the state, but shall work in conjunction with those divisions and departments in rendering the treatment or educational services that those divisions and departments are competent and able to provide.

- (7) The division may accept in the name of and on behalf of the state donations, gifts, devises, or bequests of real or personal property or services to be used as specified by the donor.
- (8) The division shall annually review with each local substance abuse authority and each local mental health authority the authority's statutory and contract responsibilities regarding:
  - (a) use of public funds;
  - (b) oversight of public funds; and
  - (c) governance of substance use disorder and mental health programs and services.
- (9) The Legislature may refuse to appropriate funds to the division upon the division's failure to comply with the provisions of this part.
- (10) If a local substance abuse authority contacts the division under Subsection 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant minor, the division shall:
  - (a) refer the pregnant woman or pregnant minor to a treatment facility that has the capacity to provide the treatment services; or
  - (b) otherwise ensure that treatment services are made available to the pregnant woman or pregnant minor.
- (11) The division shall employ a school-based mental health specialist to be housed at the State Board of Education who shall work with the State Board of Education to:
  - (a) provide coordination between a local education agency and local mental health authority;
  - (b) recommend evidence-based and evidence informed mental health screenings and intervention assessments for a local education agency; and
  - (c) coordinate with the local community, including local departments of health, to enhance and expand mental health related resources for a local education agency.

Amended by Chapter 250, 2024 General Session

Amended by Chapter 420, 2024 General Session

#### **26B-5-103 Director -- Qualifications.**

- (1) The executive director shall appoint a director within the division to carry out all or part of the duties and responsibilities described in this part.
- (2) The director appointed under Subsection (1) shall have a bachelor's degree from an accredited university or college, be experienced in administration, and be knowledgeable in matters concerning substance use and mental health.

Renumbered and Amended by Chapter 308, 2023 General Session

#### **26B-5-104 Authority and responsibilities of division.**

The division shall set policy for its operation and for programs funded with state and federal money under Sections 17-43-201, 17-43-301, 17-43-304, and 26B-5-108. The division shall:

- (1) in establishing rules, seek input from local substance abuse authorities, local mental health authorities, consumers, providers, advocates, division staff, and other interested parties as determined by the division;
- (2) establish, by rule, minimum standards for local substance abuse authorities and local mental health authorities;
- (3) establish, by rule, procedures for developing policies that ensure that local substance abuse authorities and local mental health authorities are given opportunity to comment and provide input on any new policy of the division or proposed changes in existing rules of the division;



- (4) provide a mechanism for review of its existing policy, and for consideration of policy changes that are proposed by local substance abuse authorities or local mental health authorities;
- (5) develop program policies, standards, rules, and fee schedules for the division; and
- (6) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules approving the form and content of substance abuse treatment, educational series, screening, and assessment that are described in Section 41-6a-501.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-105 Employment first emphasis on the provision of services.**

- (1) As used in this section, "recipient" means an individual who is:
  - (a) undergoing treatment for a substance use problem; or
  - (b) suffers from a mental illness.
- (2) When providing services to a recipient, the division shall, within funds appropriated by the Legislature and in accordance with the requirements of federal and state law and memorandums of understanding between the division and other state entities that provide services to a recipient, give priority to providing services that assist an eligible recipient in obtaining and retaining meaningful and gainful employment that enables the recipient to earn sufficient income to:
  - (a) purchase goods and services;
  - (b) establish self-sufficiency; and
  - (c) exercise economic control of the recipient's life.
- (3) The division shall develop a written plan to implement the policy described in Subsection (2) that includes:
  - (a) assessing the strengths and needs of a recipient;
  - (b) customizing strength-based approaches to obtaining employment;
  - (c) expecting, encouraging, providing, and rewarding:
    - (i) integrated employment in the workplace at competitive wages and benefits; and
    - (ii) self-employment;
  - (d) developing partnerships with potential employers;
  - (e) maximizing appropriate employment training opportunities;
  - (f) coordinating services with other government agencies and community resources;
  - (g) to the extent possible, eliminating practices and policies that interfere with the policy described in Subsection (2); and
  - (h) arranging sub-minimum wage work or volunteer work for an eligible recipient when employment at market rates cannot be obtained.
- (4) The division shall, on an annual basis:
  - (a) set goals to implement the policy described in Subsection (2) and the plan described in Subsection (3);
  - (b) determine whether the goals for the previous year have been met; and
  - (c) modify the plan described in Subsection (3) as needed.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-106 Authority to assess fees.**

The division may, with the approval of the Legislature and the executive director, establish fee schedules and assess fees for services rendered by the division.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-107 Formula for allocation of funds to local substance abuse authorities and local mental health authorities.**

- (1)
  - (a) The division shall establish, by rule, formulas for allocating funds to local substance abuse authorities and local mental health authorities through contracts, to provide substance use prevention and treatment services in accordance with the provisions of this chapter and Title 17, Chapter 43, Part 2, Local Substance Abuse Authorities, and mental health services in accordance with the provisions of this chapter and Title 17, Chapter 43, Part 3, Local Mental Health Authorities.
  - (b) The formulas shall provide for allocation of funds based on need. Determination of need shall be based on population unless the division establishes, by valid and accepted data, that other defined factors are relevant and reliable indicators of need.
  - (c) The formulas shall include a differential to compensate for additional costs of providing services in rural areas.
- (2) The formulas established under Subsection (1) apply to all state and federal funds appropriated by the Legislature to the division for local substance abuse authorities and local mental health authorities, but does not apply to:
  - (a) funds that local substance abuse authorities and local mental health authorities receive from sources other than the division;
  - (b) funds that local substance abuse authorities and local mental health authorities receive from the division to operate specific programs within their jurisdictions which are available to all residents of the state;
  - (c) funds that local substance abuse authorities and local mental health authorities receive from the division to meet needs that exist only within their local areas; and
  - (d) funds that local substance abuse authorities and local mental health authorities receive from the division for research projects.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-108 Contracts for substance use and mental health services -- Provisions -- Responsibilities.**

- (1) If the division contracts with a local substance abuse authority or a local mental health authority to provide substance use or mental health programs and services in accordance with the provisions of this chapter and Title 17, Chapter 43, Part 2, Local Substance Abuse Authorities, or Title 17, Chapter 43, Part 3, Local Mental Health Authorities, it shall ensure that those contracts include at least the following provisions:
  - (a) that an independent auditor shall conduct any audit of the local substance abuse authority or its contract provider's programs or services and any audit of the local mental health authority or its contract provider's programs or services, pursuant to the provisions of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;
  - (b) in addition to the requirements described in Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, the division:
    - (i) shall prescribe guidelines and procedures, in accordance with those formulated by the state auditor pursuant to Section 67-3-1, for auditing the compensation and expenses of officers,

- directors, and specified employees of the private contract provider, to assure the state that no personal benefit is gained from travel or other expenses; and
  - (ii) may prescribe specific items to be addressed by that audit, depending upon the particular needs or concerns relating to the local substance abuse authority, local mental health authority, or contract provider at issue;
  - (c) the local substance abuse authority or its contract provider and the local mental health authority and its contract provider shall invite and include all funding partners in its auditor's pre- and exit conferences;
  - (d) each member of the local substance abuse authority and each member of the local mental health authority shall annually certify that he has received and reviewed the independent audit and has participated in a formal interview with the provider's executive officers;
  - (e) requested information and outcome data will be provided to the division in the manner and within the time lines defined by the division; and
  - (f) all audit reports by state or county persons or entities concerning the local substance abuse authority or its contract provider, or the local mental health authority or its contract provider shall be provided to the executive director of the department, the local substance abuse authority or local mental health authority, and members of the contract provider's governing board.
- (2) Each contract between the division and a local substance abuse authority or a local mental health authority shall authorize the division to withhold funds, otherwise allocated under Section 26B-5-107, to cover the costs of audits, attorney fees, and other expenditures associated with reviewing the expenditure of public funds by a local substance abuse authority or its contract provider or a local mental health authority or its contract provider, if there has been an audit finding or judicial determination that public funds have been misused by the local substance abuse authority or its contract provider or the local mental health authority or its contract provider.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-109 Local plan program funding.**

- (1) To facilitate the distribution of newly appropriated funds beginning from fiscal year 2018 for prevention, treatment, and recovery support services that reduce recidivism or reduce the per capita number of incarcerated offenders with a substance use disorder or a mental health disorder, the division shall:
- (a) form an application review and fund distribution committee that includes:
    - (i) one representative of the Utah Sheriffs' Association;
    - (ii) one representative of the Statewide Association of Prosecutors of Utah;
    - (iii) two representatives from the division; and
    - (iv) two representatives from the Utah Association of Counties; and
  - (b) require the application review and fund distribution committee to:
    - (i) establish a competitive application process for funding of a local plan, as described in Sections 17-43-201(5)(b) and 17-43-301(6)(a)(ii);
    - (ii) establish criteria in accordance with Subsection (1) for the evaluation of an application;
    - (iii) ensure that the committee members' affiliate groups approve of the application process and criteria;
    - (iv) evaluate applications; and
    - (v) distribute funds to programs implemented by counties, local mental health authorities, or local substance abuse authorities.

- (2) Demonstration of matching county funds is not a requirement to receive funds, but the application review committee may take into consideration the existence of matching funds when determining which programs to fund.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-110 Suicide Prevention Education Program -- Definitions -- Grant requirements.**

- (1) As used in this section, "bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
- (2) There is created a Suicide Prevention Education Program to fund suicide prevention education opportunities for federally licensed firearms dealers who operate a retail establishment open to the public and the dealers' employees.
- (3) The division, in conjunction with the bureau, shall provide a grant to an employer described in Subsection (2) in accordance with the criteria provided in Subsection 26B-5-611(7)(b).
- (4) An employer may apply for a grant of up to \$2,500 under the program.

Amended by Chapter 250, 2024 General Session

**26B-5-111 Mental health crisis response training.**

- (1) The division shall award grants to communities to conduct mental health crisis response training.
- (2) For the application and award of the grants described in Subsection (1), the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that determine:
  - (a) the requirements and process for a community to apply for a grant; and
  - (b) the substantive mental health crisis response programs that qualify for the award of a grant.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-112 Mobile crisis outreach team expansion.**

- (1) The division shall:
  - (a) award grants for the development of:
    - (i) five mobile crisis outreach teams:
      - (A) in counties of the second, third, fourth, fifth, or sixth class; or
      - (B) in counties of the first class, if no more than two mobile crisis outreach teams are operating or have been awarded a grant to operate in the county; and
    - (ii) at least three mobile crisis outreach teams in counties of the third, fourth, fifth, or sixth class; and
  - (b) award the grants described in Subsection (1)(a) in consultation with the Behavioral Health Crisis Response Committee, established in Section 63C-18-202.
- (2) A mobile crisis outreach team awarded a grant under Subsection (1) shall provide mental health crisis services 24 hours per day, 7 days per week, and every day of the year.
- (3) The division shall prioritize the award of a grant described in Subsection (1) to entities, based on:
  - (a) the number of individuals the proposed mobile crisis outreach team will serve; and
  - (b) the percentage of matching funds the entity will provide to develop the proposed mobile crisis outreach team.

- (4) An entity does not need to have resources already in place to be awarded a grant described in Subsection (1).
- (5) The division shall make rules:
  - (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application and award of the grants described in Subsection (1); and
  - (b) in consultation with the Behavioral Health Crisis Response Committee, established in Section 63C-18-202.

Amended by Chapter 5, 2024 Special Session 3

**26B-5-112.5 Mobile Crisis Outreach Team Grant Program.**

- (1) As used in this section, "committee" means the Behavioral Health Crisis Response Committee established in Section 63C-18-202.
- (2) The committee shall provide recommendations and the division shall award grants for the development of up to five mobile crisis outreach teams.
- (3) A mobile crisis outreach team that is awarded a grant under Subsection (2) shall provide mental health crisis services 24 hours per day, seven days per week, and every day of the year.
- (4) The division shall prioritize the award of a grant described in Subsection (2) to entities based on:
  - (a) the outstanding need for crisis outreach services within the area the proposed mobile crisis outreach team will serve; and
  - (b) the capacity for implementation of the proposed mobile crisis outreach team in accordance with the division's established standards and requirements for mobile crisis outreach teams.
- (5)
  - (a) In consultation with the committee, the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application and award of the grants described in Subsection (2).
  - (b)
    - (i) The rules created under Subsection (5)(a) shall implement a funding structure for a mobile crisis outreach team developed using a grant awarded under this section.
    - (ii) The funding structure described in Subsection (5)(b)(i) shall provide for tiers and phases of shared funding coverage between the state and counties.

Amended by Chapter 245, 2024 General Session

**26B-5-113 Medicaid reimbursement for school-based health services -- Report to Legislature.**

- (1) As used in this section, "individualized education program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (2) The division shall coordinate with the State Board of Education, the Department of Health, and stakeholders to address and develop recommendations related to:
  - (a) the expansion of Medicaid reimbursement for school-based health services, including how to expand Medicaid-eligible school-based services beyond the services for students with IEPs; and
  - (b) other areas concerning Medicaid reimbursement for school-based health services, including the time threshold for medically necessary IEP services.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-114 Behavioral Health Receiving Center Grant Program.**

- (1) As used in this section:
  - (a) "Behavioral health receiving center" means a 23-hour nonsecure program or facility that is responsible for, and provides mental health crisis services to, an individual experiencing a mental health crisis.
  - (b) "Committee" means the Behavioral Health Crisis Response Committee established in Section 63C-18-202.
  - (c) "Project" means a behavioral health receiving center project described in Subsection (2) or (3) (a).
- (2) Before July 1, 2020, the division shall issue a request for proposals in accordance with this section to award a grant to one or more counties of the first or second class, as classified in Section 17-50-501, to develop and implement a behavioral health receiving center.
- (3)
  - (a) Before July 1, 2023, the division shall issue a request for proposals in accordance with this section to award a grant to one county of the third class, as classified in Section 17-50- 501, to develop and implement a behavioral health receiving center.
  - (b) Subject to appropriations by the Legislature, the division shall award grants under this Subsection (3) before December 31, 2023.
  - (c) The committee shall provide recommendations to the division regarding the development and implementation of a behavioral health receiving center.
- (4) The purpose of a project is to:
  - (a) increase access to mental health crisis services for individuals in the state who are experiencing a mental health crisis; and
  - (b) reduce the number of individuals in the state who are incarcerated or in a hospital emergency room while experiencing a mental health crisis.
- (5) An application for a grant under this section shall:
  - (a) identify the population to which the behavioral health receiving center will provide mental health crisis services;
  - (b) identify the type of mental health crisis services the behavioral health receiving center will provide;
  - (c) explain how the population described in Subsection (5)(a) will benefit from the provision of mental health crisis services;
  - (d) provide details regarding:
    - (i) how the proposed project plans to provide mental health crisis services;
    - (ii) how the proposed project will ensure that consideration is given to the capacity of the behavioral health receiving center;
    - (iii) how the proposed project will ensure timely and effective provision of mental health crisis services;
    - (iv) the cost of the proposed project;
    - (v) any existing or planned contracts or partnerships between the applicant and other individuals or entities to develop and implement the proposed project;
    - (vi) any plan to use funding sources in addition to a grant under this section for the proposed project;
    - (vii) the sustainability of the proposed project; and
    - (viii) the methods the proposed project will use to:

- (A) protect the privacy of each individual who receives mental health crisis services from the behavioral health receiving center;
- (B) collect nonidentifying data relating to the proposed project; and
- (C) provide transparency on the costs and operation of the proposed project; and
- (e) provide other information requested by the division to ensure that the proposed project satisfies the criteria described in Subsection (7).
- (6) A recipient of a grant under this section shall enroll as a Medicaid provider and meet minimum standards of care for behavioral health receiving centers established by the division.
- (7) In evaluating an application for the grant, the division shall consider:
  - (a) the extent to which the proposed project will fulfill the purposes described in Subsection (4);
  - (b) the extent to which the population described in Subsection (5)(a) is likely to benefit from the proposed project;
  - (c) the cost of the proposed project;
  - (d) the extent to which any existing or planned contracts or partnerships between the applicant and other individuals or entities to develop and implement the project, or additional funding sources available to the applicant for the proposed project, are likely to benefit the proposed project; and
  - (e) the viability and innovation of the proposed project.
- (8)
  - (a) In consultation with the committee, the division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application and award of a grant under this section.
  - (b)
    - (i) The rules created under Subsection (8)(a) shall:
      - (A) implement a funding structure for a behavioral health receiving center developed using a grant awarded under this section;
      - (B) include implementation standards and minimum program requirements for a behavioral health receiving center developed using a grant awarded under this section, including minimum guidelines and standards of care, and minimum staffing requirements; and
      - (C) require a behavioral health receiving center developed using a grant awarded under this section to operate 24 hours per day, seven days per week, and every day of the year.
    - (ii) The funding structure described in Subsection (8)(b)(i)(A) shall provide for tiers and phases of shared funding coverage between the state and counties.
- (9) Before June 30, 2024, the division shall report to the Health and Human Services Interim Committee regarding:
  - (a) grants awarded under Subsection (3)(a); and
  - (b) the details of each project described in Subsection (3)(a).
- (10) Before June 30, 2026, the division shall provide a report to the Health and Human Services Interim Committee that includes data gathered in relation to each project described in Subsection (3)(a).

Amended by Chapter 245, 2024 General Session

Amended by Chapter 250, 2024 General Session

#### **26B-5-115 Safety Net Initiative.**

- (1) As used in this section, "individuals in underserved communities" means individuals living in culturally isolated communities in the state who may lack access to public assistance and other government services.

- (2) There is created within the division the Safety Net Initiative to:
  - (a) implement strategies to increase awareness and reduce risk factors in order to improve the safety and well-being of individuals in underserved communities;
  - (b) coordinate with government agencies, nonprofit organizations, and interested individuals to provide open communication with individuals in underserved communities; and
  - (c) coordinate efforts to give individuals in underserved communities needed access to public assistance and other government services.
- (3) The division may employ or contract with individuals, entities, and support staff as necessary to administer the duties required by this section.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-116 Suicide prevention technical assistance program.**

- (1) As used in this section, "technical assistance" means training for the prevention of suicide.
- (2)
  - (a) Before July 1, 2021, and each subsequent July 1, the division shall solicit applications from health care organizations to receive technical assistance provided by the division.
  - (b) The division shall approve at least one but not more than six applications each year.
  - (c) The division shall determine which applicants receive the technical assistance before December 31 of each year.
- (3) An application for technical assistance under this section shall:
  - (a) identify the population to whom the health care organization will provide suicide prevention services;
  - (b) identify how the health care organization plans to implement the skills and knowledge gained from the technical assistance;
  - (c) identify the health care organization's current resources used for the prevention of suicide;
  - (d) explain how the population described in Subsection (3)(a) will benefit from the health care organization receiving technical assistance;
  - (e) provide details regarding:
    - (i) how the health care organization will provide timely and effective suicide prevention services;
    - (ii) any existing or planned contracts or partnerships between the health care organization and other persons that are related to suicide prevention; and
    - (iii) the methods the health care organization will use to:
      - (A) protect the privacy of each individual to whom the health care organization provides suicide prevention services; and
      - (B) collect non-identifying data; and
  - (f) provide other information requested by the division for the division to evaluate the application.
- (4) In evaluating an application for technical assistance, the division shall consider:
  - (a) the extent to which providing technical assistance to the health care organization will fulfill the purpose of preventing suicides in the state;
  - (b) the extent to which the population described in Subsection (3)(a) is likely to benefit from the health care organization receiving the technical assistance;
  - (c) the cost of providing the technical assistance to the health care organization; and
  - (d) the extent to which any of the following are likely to benefit the health care organization's ability to assist in preventing suicides in the state:
    - (i) existing or planned contracts or partnerships between the applicant and other persons to develop and implement other initiatives; or
    - (ii) additional funding sources available to the applicant for suicide prevention services.



Amended by Chapter 250, 2024 General Session

**26B-5-119 Forms.**

The division shall furnish the clerks of the court with forms, blanks, warrants, and certificates, to enable judges, with regularity and facility, to comply with the provisions of this chapter.

Renumbered and Amended by Chapter 308, 2023 General Session

**26B-5-120 Virtual crisis outreach team grant program.**

- (1) As used in this section:
  - (a) "Certified peer support specialist" means the same as that term is defined in Section 26B-5-610.
  - (b) "Committee" means the Behavioral Health Crisis Response Committee established in Section 63C-18-202.
  - (c) "Mobile crisis outreach team" means the same as that term is defined in Section 26B-5-609.
  - (d) "Virtual crisis outreach program" means a program that provides the following real-time services 24 hours per day, seven days per week, and every day of the year:
    - (i) crisis support, by a qualified mental or behavioral health professional, to law enforcement officers; and
    - (ii) peer support services, by a certified peer support specialist, to individuals experiencing behavioral health crises.
- (2) In consultation with the committee and in accordance with the requirements of this section, the division shall award a grant for the development of a virtual crisis outreach program that primarily serves counties of the third, fourth, fifth, or sixth class.
- (3) The division shall prioritize the award of the grant described in Subsection (2) based on the extent to which providing the grant to the applicant will increase the provision of crisis support and peer support services in areas:
  - (a) with frequent mental or behavioral health provider shortages; and
  - (b) where only one mobile crisis outreach team is available to serve multiple counties of the third, fourth, fifth, or sixth class.
- (4) When not providing crisis support or peer support services to law enforcement or individuals in a county of the third, fourth, fifth, or sixth class, the virtual crisis outreach program developed using a grant under this section shall provide support services as needed to mobile crisis outreach teams in counties of the first or second class.
- (5) In consultation with the committee, the division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the application and award of the grant described in Subsection (2).
- (6) Before June 30, 2024, the division shall submit a written report to the Health and Human Services Interim Committee regarding the virtual crisis outreach program developed using the grant awarded under this section.
- (7) Before June 30, 2026, the division shall submit a written report to the Health and Human Services Interim Committee regarding:
  - (a) data gathered in relation to the rural virtual crisis outreach team developed using the grant awarded under this section;
  - (b) knowledge gained relating to the provision of virtual crisis outreach services;
  - (c) recommendations for the future use of virtual crisis outreach services; and
  - (d) obstacles encountered in the provision of virtual crisis outreach services.

Amended by Chapter 245, 2024 General Session