

UTAH MOBILE CRISIS OUTREACH TEAM ACT

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Steve Eliason

LONG TITLE

Committee Note:

The Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill enacts the Utah Mobile Crisis Outreach Team Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Mental Health Crisis Line Commission to serve as the mobile crisis outreach team (MCOT) advisory committee;
- ▶ requires the Division of Substance Abuse and Mental Health (division) to set standards for an MCOT license;
- ▶ requires the Department of Health (department) to administer the MCOT license;
- ▶ allows the department to establish and charge a fee for the MCOT license;
- ▶ requires that an individual hold an MCOT license to provide certain mental health crisis services;
- ▶ provides penalties for certain illegal activity related to the provision of mental health crisis services; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63C-18-203**, as enacted by Laws of Utah 2017, Chapter 23

33 ENACTS:

34 **26-8d-101**, Utah Code Annotated 1953

35 **26-8d-102**, Utah Code Annotated 1953

36 **26-8d-201**, Utah Code Annotated 1953

37 **26-8d-202**, Utah Code Annotated 1953

38 **26-8d-301**, Utah Code Annotated 1953

39 **26-8d-302**, Utah Code Annotated 1953

40 **26-8d-303**, Utah Code Annotated 1953

41 **26-8d-304**, Utah Code Annotated 1953

42 **26-8d-305**, Utah Code Annotated 1953

43 **26-8d-401**, Utah Code Annotated 1953



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

46 Section 1. Section **26-8d-101** is enacted to read:

47 **CHAPTER 8d. UTAH MOBILE CRISIS OUTREACH TEAM ACT**

48 **Part 1. General Provisions**

49 **26-8d-101. Title.**

50 This chapter is known as the "Utah Mobile Crisis Outreach Team Act."

51 Section 2. Section **26-8d-102** is enacted to read:

52 **26-8d-102. Definitions.**

53 As used in this chapter:

54 (1) "Commission" means the Mental Health Crisis Line Commission created in Section
55 **63C-18-202.**

56 (2) "Division" means the Division of Substance Abuse and Mental Health, established
57 in Section **62A-15-103** within the Department of Human Services.

58 (3) "Emergency medical service personnel" means the same as that term is defined in

59 Section 26-8a-102.

60 (4) "Emergency medical services" means the same as that term is defined in Section
61 26-8a-102.

62 (5) "Equivalent license" means a license or certification other than an MCOT license
63 that allows the licensee to provide mental health crisis services.

64 (6) "MCOT license" means the license created in this chapter for MCOT personnel and
65 mental health crisis outreach services.

66 (7) "MCOT personnel" means a licensed mental health therapist or other mental health
67 professional, as determined by the division, who is a part of a mobile crisis outreach team.

68 (8) "Mental health crisis" means:

69 (a) a mental health condition that manifests itself by symptoms of sufficient severity
70 that a prudent layperson who possesses an average knowledge of mental health issues could
71 reasonably expect the absence of immediate attention or intervention to result in:

72 (i) serious jeopardy to the individual's health or well-being; or

73 (ii) a danger to others; or

74 (b) a mental health condition that, in the opinion of a mental health therapist or the
75 therapist's designee, requires direct professional observation or the intervention of a mental
76 health therapist during transport.

77 (9) (a) "Mental health crisis services" means direct mental health services and on-site
78 intervention that a mobile crisis outreach team renders to an individual suffering from a mental
79 health crisis.

80 (b) "Mental health crisis services" includes the provision of safety and care plans,
81 prolonged mental health services for up to 90 days, and referrals to other community resources.

82 (10) "Mental health therapist" means the same as that term is defined in Section
83 58-60-102.

84 (11) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
85 mental health professionals that, in coordination with local law enforcement and emergency
86 medical service personnel, provides mental health crisis services.

87 Section 3. Section **26-8d-201** is enacted to read:

88 **Part 2. Duties and Fees**

89 **26-8d-201. Department and division duties -- MCOT license creation.**

90 (1) To promote the availability of comprehensive mental health crisis services
91 throughout the state, the department shall make rules, in accordance with Title 63G, Chapter 3,
92 Utah Administrative Rulemaking Act, that create a license for MCOT personnel, including:

93 (a) the standards the division establishes under Subsection (2); and

94 (b) guidelines for:

95 (i) credit for out-of-state training and experience; and

96 (ii) the coordination of:

97 (A) emergency medical services and mental health crisis services; and

98 (B) law enforcement, emergency medical service personnel, and mobile crisis outreach
99 teams.

100 (2) (a) With recommendations from the commission, the division shall:

101 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
102 make rules that establish standards that an applicant is required to meet to qualify for the
103 MCOT license described in Subsection (1); and

104 (ii) create a statewide MCOT plan that:

105 (A) identifies statewide mental health crisis services needs, objectives, and priorities;

106 and

107 (B) identifies the equipment, facilities, personnel training, and other resources
108 necessary to provide mental health crisis services.

109 (b) The division may delegate the MCOT plan requirement described in Subsection
110 (2)(a)(ii) to a contractor with which the division contracts to provide mental health crisis
111 services.

112 Section 4. Section **26-8d-202** is enacted to read:

113 **26-8d-202. Fees.**

114 (1) The department may establish and charge a fee in relation to an MCOT license, in
115 accordance with Section [63J-1-504](#), including:

116 (a) for the use of department-owned training equipment;

117 (b) to administer tests and conduct quality assurance reviews; and

118 (c) to process an application for an MCOT license under this chapter.

119 (2) (a) Fees that the department collects under Subsections (1)(a) and (b) are separate
120 dedicated credits.

121 (b) The department may use fees that the department collects under Subsection (1)(a)
122 to purchase training equipment in relation to a license under this chapter.

123 (c) The department may use fees that the department collects under Subsection (1)(b)
124 to administer tests and conduct quality assurance reviews in relation to a license under this
125 chapter.

126 Section 5. Section **26-8d-301** is enacted to read:

127 **Part 3. MCOT License**

128 **26-8d-301. License required.**

129 (1) Except as provided in Section 26-8d-303, an individual may not provide mental
130 health crisis services or identify as MCOT personnel without an MCOT license.

131 (2) Section 26-8d-401 regarding illegal activity applies to violations of this section.

132 Section 6. Section **26-8d-302** is enacted to read:

133 **26-8d-302. Licensure of MCOT personnel.**

134 (1) The department shall, based on the standards established under Subsection
135 26-8d-201(2)(a)(i):

136 (a) develop, conduct, and authorize training and testing for MCOT licenses;

137 (b) issue an MCOT license or license renewal to a qualified applicant; and

138 (c) deny or revoke an MCOT license or license renewal of an applicant who does not
139 meet the requirements and standards described in Section 26-8d-201.

140 (2) As provided in Section 26-8d-401, an individual to whom the department issues an
141 MCOT license may only provide mental health crisis services under the MCOT license to the
142 extent the license allows.

143 Section 7. Section **26-8d-303** is enacted to read:

144 **26-8d-303. Exemptions to license requirement.**

145 (1) Notwithstanding Section 26-8d-302, the following individuals may provide mental
146 health crisis services to an individual suffering from a mental health crisis without an MCOT
147 license:

148 (a) out-of-state mental health personnel and providers in time of disaster;

149 (b) an individual who gratuitously acts as a Good Samaritan;

150 (c) a family member;

151 (d) an agency of the United States government if compliance with this chapter would

152 be inconsistent with federal law; and

153 (e) behavioral health professionals; mental health therapists; police, fire, medical, and
154 emergency medical personnel; and other public service personnel if the individual renders
155 mental health crisis services in the normal course of the individual's official duties or under an
156 equivalent license.

157 (2) Nothing in this chapter requires an MCOT license for an acute care hospital,
158 medical clinic, physician's office, mental health therapist's office, or other fixed medical or
159 mental health facility that:

160 (a) a physician, physician's assistant, nurse practitioner, registered nurse, or mental
161 health therapist staffs; and

162 (b) treats an individual who has presented or was transported to the hospital, clinic,
163 office, or facility.

164 Section 8. Section **26-8d-304** is enacted to read:

165 **26-8d-304. License renewal.**

166 (1) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah
167 Administrative Rulemaking Act, to provide a renewal process for individuals whom the
168 department licenses under this chapter.

169 (2) In order to receive an MCOT license renewal, an individual who holds an MCOT
170 license and who applies for an MCOT license renewal shall meet the renewal requirements that
171 the department establishes under Subsection (1).

172 (3) The department shall issue a renewal license upon the licensee's application for a
173 renewal and without a public hearing if there has been:

174 (a) no serious and substantiated public complaint filed with the department against the
175 licensee during the term of the previous license;

176 (b) no material or substantial change in the basis upon which the department originally
177 granted the license; and

178 (c) no reasoned objection from the commission, division, or department.

179 Section 9. Section **26-8d-305** is enacted to read:

180 **26-8d-305. Discrimination prohibited.**

181 An individual who holds an MCOT license may not discriminate in the provision of
182 mental health crisis services on the basis of race, sex, color, religion, creed, or prior inquiry as

183 to ability to pay.

184 Section 10. Section **26-8d-401** is enacted to read:

185 **Part 4. Enforcement**

186 **26-8d-401. Illegal activity.**

187 (1) An individual may not:

188 (a) except as provided in Section [26-8d-303](#):

189 (i) practice or engage in the practice, represent that the person is practicing or engaging

190 in the practice, or attempt to practice or engage in the practice of any activity that requires an

191 MCOT license without holding an MCOT license or an equivalent license; or

192 (ii) offer mental health crisis services without holding an MCOT license or an

193 equivalent license;

194 (b) advertise or represent that the person holds an MCOT license unless the individual

195 holds the license;

196 (c) employ or permit any employee to perform any service for which an MCOT license

197 is required, unless the individual performing the service holds the license or an equivalent

198 license;

199 (d) wear, display, sell, reproduce, or otherwise use any MCOT personnel insignia

200 without authorization from the division;

201 (e) reproduce or otherwise use materials that the division develops for licensure,

202 testing, or examination without authorization from the division; or

203 (f) willfully summon an MCOT or report that an MCOT is needed when the individual

204 knows that the MCOT is not needed.

205 (2) (a) A person who violates this section is subject to:

206 (i) in a judicial civil proceeding, a penalty not to exceed \$10,000 per violation; or

207 (ii) in an administrative action in accordance with Title 63G, Chapter 4, Administrative

208 Procedures Act, or similar procedures that the division adopts, a penalty not to exceed \$10,000

209 per violation.

210 (b) Assessment of any civil penalty or administrative penalty does not preclude the

211 department from:

212 (i) seeking criminal penalties;

213 (ii) denying, revoking, imposing conditions on, or refusing to renew an MCOT license;

214 or

215 (iii) seeking other injunctive or equitable remedies.

216 (c) In addition to any penalties imposed under Subsections (2)(a) and (b), the
217 individual who violates this section is liable for any expense that the department incurs as a
218 result of the individual's violation.

219 (d) Each day of violation of this section is a separate violation.

220 Section 11. Section **63C-18-203** is amended to read:

221 **63C-18-203. Commission duties -- Reporting requirements.**

222 (1) ~~(a)~~ The commission shall:

223 ~~(i)~~ (a) identify a method to integrate existing local mental health crisis lines to ensure
224 each individual who accesses a local mental health crisis line is connected to a qualified mental
225 or behavioral health professional, regardless of the time, date, or number of individuals trying
226 to simultaneously access the local mental health crisis line;

227 ~~(ii)~~ (b) study how to establish and implement a statewide mental health crisis line,
228 including identifying:

229 ~~(A)~~ (i) a statewide phone number or other means for an individual to easily access the
230 statewide mental health crisis line;

231 ~~(B)~~ (ii) a supply of qualified mental or behavioral health professionals to staff the
232 statewide mental health crisis line; and

233 ~~(C)~~ (iii) a funding mechanism to operate and maintain the statewide mental health
234 crisis line; ~~and~~

235 ~~(iii)~~ (c) coordinate with local mental health authorities in fulfilling the commission's
236 duties described in Subsections (1)(a)~~(i) and (ii):~~ and (b); and

237 (d) recommend standards for mobile crisis outreach team licensing as described in
238 Section [26-8d-201](#).

239 ~~(b)~~ (2) The commission may conduct other business related to the commission's
240 duties described in Subsection (1)~~(a)~~.

241 ~~(2) Before November 30, 2017, the commission shall report to the Political~~
242 ~~Subdivisions Interim Committee regarding:]~~

243 ~~(a) the extent to which the commission fulfilled the commission's duties described in~~
244 ~~Subsection (1); and]~~

245 ~~[(b) recommendations for future legislation related to integrating local mental health~~
246 ~~crisis lines or establishing a statewide mental health crisis line.]~~

Legislative Review Note
Office of Legislative Research and General Counsel