

SB0031S01 compared with SB0031

~~{deleted text}~~ shows text that was in SB0031 but was deleted in SB0031S01.

Inserted text shows text that was not in SB0031 but was inserted into SB0031S01.

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Representative Steve Eliason proposes the following substitute bill:

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}~~certification;
- ▶ requires the ~~{Department of Health (department) to administer the MCOT license;~~

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- 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} division to make rules outlining:
 - the responsibilities of MCOTs; and
 - the interaction of MCOTs with the civil commitment process; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

~~{26-8d-101}~~ 62A-15-1301, Utah Code Annotated 1953

~~{26-8d-102}~~ 62A-15-1302, Utah Code Annotated 1953

~~{~~ ~~26-8d-201~~, Utah Code Annotated 1953

~~—~~ ~~26-8d-202~~, Utah Code Annotated 1953

~~—~~ ~~26-8d-301~~, Utah Code Annotated 1953

~~—~~ ~~26-8d-302~~, Utah Code Annotated 1953

~~—~~ ~~26-8d-303~~, Utah Code Annotated 1953

~~—~~ ~~26-8d-304~~, Utah Code Annotated 1953

~~—~~ ~~26-8d-305~~, Utah Code Annotated 1953

~~—~~ ~~26-8d-401~~, Utah Code Annotated 1953

~~}~~

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

Section 1. Section ~~{26-8d-1}~~ 62A-15-1301 is enacted to read:

~~{CHAPTER 8d. UTAH MOBILE CRISIS OUTREACH TEAM ACT~~

Part 1. General Provisions

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~~26-8d-101. Title:~~

~~This chapter is known as the "~~Part 13. Utah Mobile Crisis Outreach Team Act~~."~~

~~Section 2. Section 26-8d-102}~~~~{ is enacted to read:}~~

~~26-8d-102}~~62A-15-1301. Definitions.

As used in this ~~chapter}~~part:

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

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

~~(3)~~2 "Emergency medical service personnel" means the same as that term is defined in Section 26-8a-102.

~~(4)~~3 "Emergency medical services" means the same as that term is defined in Section 26-8a-102.

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

~~(6)~~4 "MCOT ~~license}~~certification" means the ~~license}~~certification created in this ~~chapter}~~part for MCOT personnel and mental health crisis outreach services.

~~(7)~~5 "MCOT personnel" means a licensed mental health therapist or other mental health professional, as determined by the division, who is a part of a mobile crisis outreach team.

~~(8)~~6 "Mental health crisis" means:

~~(a)~~ a mental health condition that manifests itself 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)~~a serious jeopardy to the individual's health or well-being; or

~~(ii)~~b a danger to 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 the intervention of a mental health therapist during transport.~~

~~(9)~~7 (a) "Mental health crisis services" means ~~direct}~~ mental health services and on-site intervention that a ~~mobile crisis outreach team}~~person renders to an individual

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suffering from a mental health crisis.

(b) "Mental health crisis services" includes the provision of safety and care plans, ~~prolonged mental health~~ stabilization services offered for ~~up to 90~~ a minimum of 60 days, and referrals to other community resources.

~~(10)8~~ "Mental health therapist" means the same as that term is defined in Section 58-60-102.

~~(11)9~~ "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and mental health professionals that ~~in coordination~~ provides mental health crisis services and, based on the individual circumstances of each case, coordinates with local law enforcement ~~and~~, emergency medical service personnel, ~~provides mental health crisis services:~~

~~Section 3. Section 26-8d-201~~ and other appropriate state or local resources.

Section 2. Section 62A-15-1302 is enacted to read:

~~Part 2. Duties and Fees~~

~~26-8d-201~~ 62A-15-1302. **Department and division duties -- MCOT license creation.**

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

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

(b) guidelines for:

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

(ii) the coordination of:

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

(B) law enforcement, emergency medical service personnel, and mobile crisis outreach teams; ~~and~~

(C) temporary commitment in accordance with Section 62A-15-629.

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

(i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that establish standards that an applicant is required to meet to qualify for the

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MCOT ~~{license}~~certification described in Subsection (1); and

(ii) create a statewide MCOT plan that:

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

and

(B) identifies the equipment, facilities, personnel training, and other resources

necessary to provide mental health crisis services.

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

Section ~~{4}~~3. Section ~~{26-8d-202}~~63C-18-203 is ~~{enacted to read:~~

~~26-8d-202. Fees:~~

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

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

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

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

~~(2) (a) Fees that the department collects under Subsections (1)(a) and (b) are separate dedicated credits:~~

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

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

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

~~Part 3. MCOT License~~

~~26-8d-301. License required:~~

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

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

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

~~26-8d-302. Licensure of MCOT personnel.~~

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

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

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

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

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

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

~~— **26-8d-303. Exemptions to license requirement.**~~

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

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

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

~~— (c) a family member;~~

~~— (d) an agency of the United States government if compliance with this chapter would be inconsistent with federal law; and~~

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

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

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

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

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

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~~26-8d-304. License renewal.~~

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

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

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

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

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

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

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

~~26-8d-305. Discrimination prohibited.~~

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

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

Part 4. Enforcement

~~26-8d-401. Illegal activity.~~

~~(1) An individual may not:~~

~~(a) except as provided in Section 26-8d-303:~~

~~(i) practice or engage in the practice, represent that the person is practicing or engaging in the practice, or attempt to practice or engage in the practice of any activity that requires an MCOT license without holding an MCOT license or an equivalent license; or~~

~~(ii) offer mental health crisis services without holding an MCOT license or an equivalent license;~~

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

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~~— (c) employ or permit any employee to perform any service for which an MCOT license is required, unless the individual performing the service holds the license or an equivalent license;~~

~~— (d) wear, display, sell, reproduce, or otherwise use any MCOT personnel insignia without authorization from the division;~~

~~— (e) reproduce or otherwise use materials that the division develops for licensure, testing, or examination without authorization from the division; or~~

~~— (f) willfully summon an MCOT or report that an MCOT is needed when the individual knows that the MCOT is not needed.~~

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

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

~~— (ii) in an administrative action in accordance with Title 63G, Chapter 4, Administrative Procedures Act, or similar procedures that the division adopts, a penalty not to exceed \$10,000 per violation.~~

~~— (b) Assessment of any civil penalty or administrative penalty does not preclude the department from:~~

~~— (i) seeking criminal penalties;~~

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

~~— (iii) seeking other injunctive or equitable remedies.~~

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

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

~~Section 11. Section 63C-18-203 is } amended to read:~~

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

(1) [(a)] The commission shall:

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

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

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

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

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

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

(d) recommend standards for mobile crisis outreach team ~~licensing~~ certification as described in Section ~~26-8d-201~~ 62A-15-1303.

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

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

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

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

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Legislative Review Note

Office of Legislative Research and General Counsel†