

SUICIDE PREVENTION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Don L. Ipson

LONG TITLE

General Description:

This bill relates to suicide prevention and mental health treatment.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ expands the scope of suicide prevention programs in a school;
- ▶ requires the Division of Occupational and Professional Licensing, in conjunction with the Division of Substance Abuse and Mental Health, to create a suicide prevention web-accessible video;
 - ▶ requires certain primary care providers to view the suicide prevention web-accessible video in order to renew a medical license;
 - ▶ establishes the Survivors of Suicide Loss Account;
 - ▶ establishes the Psychiatric Consultation Program Account;
 - ▶ provides immunity from civil liability for an individual who provides assistance to another individual who has expressed suicide ideation or taken suicidal action; and
 - ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to General Fund Restricted -- Survivors of Suicide Loss Account, as an ongoing appropriation:
 - from General Fund, \$40,000.

H.B. 393

Enrolled Copy

- 29 ▶ to Department of Human Services -- Division of Substance Abuse and Mental
30 Health, as an ongoing appropriation:
- 31 • from General Fund -- Survivors of Suicide Loss Account, \$40,000.
- 32 ▶ to General Fund Restricted -- Psychiatric Consultation Program Account, as an
33 ongoing appropriation:
- 34 • from General Fund, \$275,000.
- 35 ▶ to Department of Human Services -- Division of Substance Abuse and Mental
36 Health, as an ongoing appropriation:
- 37 • from General Fund -- Psychiatric Consultation Program Account, \$275,000.
- 38 ▶ to Department of Human Services -- Division of Substance Abuse and Mental
39 Health, as an ongoing appropriation:
- 40 • from General Fund, \$285,000.
- 41 ▶ to Governor's Office -- Suicide Prevention -- Suicide Prevention, as a one-time
42 appropriation:
- 43 • from General Fund, One-time, \$700,000.

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **53G-9-702**, as last amended by Laws of Utah 2018, Chapter 414 and renumbered and
49 amended by Laws of Utah 2018, Chapter 3

50 **58-31b-305**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

51 **58-67-303**, as last amended by Laws of Utah 2017, Chapter 299

52 **58-68-303**, as last amended by Laws of Utah 2017, Chapter 299

53 **58-70a-304**, as last amended by Laws of Utah 2001, Chapter 268

54 ENACTS:

55 **58-1-601**, Utah Code Annotated 1953

- 56 [62A-15-1501](#), Utah Code Annotated 1953
- 57 [62A-15-1502](#), Utah Code Annotated 1953
- 58 [62A-15-1601](#), Utah Code Annotated 1953
- 59 [62A-15-1602](#), Utah Code Annotated 1953
- 60 [78B-4-516](#), Utah Code Annotated 1953

61

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

63 Section 1. Section [53G-9-702](#) is amended to read:

64 **[53G-9-702. Youth suicide prevention programs required in secondary schools --](#)**
65 **[State Board of Education to develop model programs -- Reporting requirements.](#)**

66 (1) As used in the section:

67 (a) "Board" means the State Board of Education.

68 (b) "Intervention" means an effort to prevent a student from attempting suicide.

69 (c) "Postvention" means mental health intervention after a suicide attempt or death to
70 prevent or contain contagion.

71 (d) "Program" means a youth suicide prevention program described in Subsection (2).

72 (e) "Public education suicide prevention coordinator" means an individual designated
73 by the board as described in Subsection (3).

74 (f) "Secondary grades":

75 (i) means grades 7 through 12; and

76 (ii) if a middle or junior high school includes grade 6, includes grade 6.

77 (g) "State suicide prevention coordinator" means the state suicide prevention
78 coordinator described in Section [62A-15-1101](#).

79 (2) In collaboration with the public education suicide prevention coordinator, a school
80 district or charter school, in the secondary grades of the school district or charter school, shall
81 implement a youth suicide prevention program, which, in collaboration with the training,
82 programs, and initiatives described in Section [53G-9-607](#), shall include programs and training

83 to address:

84 (a) bullying and cyberbullying, as those terms are defined in Section [53G-9-601](#);

85 (b) prevention of youth suicide;

86 (c) increased risk of suicide among youth who are not accepted by family for any
87 reason, including lesbian, gay, bisexual, transgender, or questioning youth;

88 [~~(c)~~] (d) youth suicide intervention;

89 [~~(d)~~] (e) postvention for family, students, and faculty;

90 [~~(e)~~] (f) underage drinking of alcohol;

91 [~~(f)~~] (g) methods of strengthening the family; and

92 [~~(g)~~] (h) methods of strengthening a youth's relationships in the school and community.

93 (3) The board shall:

94 (a) designate a public education suicide prevention coordinator; and

95 (b) in collaboration with the Department of Health and the state suicide prevention
96 coordinator, develop model programs to provide to school districts and charter schools:

97 (i) program training; and

98 (ii) resources regarding the required components described in Subsection (2)(b).

99 (4) The public education suicide prevention coordinator shall:

100 (a) oversee the youth suicide prevention programs of school districts and charter
101 schools;

102 (b) coordinate prevention and postvention programs, services, and efforts with the state
103 suicide prevention coordinator; and

104 (c) award grants in accordance with Section [53F-5-206](#).

105 (5) A public school suicide prevention program may allow school personnel to ask a
106 student questions related to youth suicide prevention, intervention, or postvention.

107 (6) (a) Subject to legislative appropriation, the board may distribute money to a school
108 district or charter school to be used to implement evidence-based practices and programs, or
109 emerging best practices and programs, for preventing suicide in the school district or charter

110 school.

111 (b) The board shall distribute money under Subsection (6)(a) so that each school that
112 enrolls students in grade 7 or a higher grade receives an allocation of at least \$1,000.

113 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to
114 implement evidence-based practices and programs, or emerging best practices and programs,
115 for preventing suicide.

116 (ii) Each school may select the evidence-based practices and programs, or emerging
117 best practices and programs, for preventing suicide that the school implements.

118 (7) (a) The board shall provide a written report, and shall orally report to the
119 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the
120 public education suicide prevention coordinator and the state suicide prevention coordinator,
121 on:

122 (i) the progress of school district and charter school youth suicide prevention programs,
123 including rates of participation by school districts, charter schools, and students;

124 (ii) the board's coordination efforts with the Department of Health and the state suicide
125 prevention coordinator;

126 (iii) the public education suicide prevention coordinator's model program for training
127 and resources related to youth suicide prevention, intervention, and postvention;

128 (iv) data measuring the effectiveness of youth suicide programs;

129 (v) funds appropriated to each school district and charter school for youth suicide
130 prevention programs; and

131 (vi) five-year trends of youth suicides per school, school district, and charter school.

132 (b) School districts and charter schools shall provide to the board information that is
133 necessary for the board's report to the Legislature's Education Interim Committee as required in
134 Subsection (7)(a).

135 Section 2. Section **58-1-601** is enacted to read:

136 **Part 6. Suicide Prevention Training for Primary Care Providers**

137 **58-1-601. Suicide prevention video -- Primary care providers.**

138 (1) As used in this section:

139 (a) "Nurse practitioner" means an individual who is licensed to practice as an advanced
140 practice registered nurse under Chapter 31b, Nurse Practice Act.

141 (b) "Physician" means an individual licensed to practice as a physician or osteopath
142 under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical
143 Practice Act.

144 (c) "Physician assistant" means an individual who is licensed to practice as a physician
145 assistant under Chapter 70a, Physician Assistant Act.

146 (d) "Primary care provider" means a nurse practitioner, physician, or physician
147 assistant.

148 (2) The division, in conjunction with the Division of Substance Abuse and Mental
149 Health created in Section [62A-15-103](#), shall:

150 (a) create a series of suicide prevention videos that:

151 (i) are web-accessible;

152 (ii) are each no longer than 20 minutes in length; and

153 (iii) include information about:

154 (A) individuals at-risk for suicide; and

155 (B) suicide prevention and intervention; and

156 (b) provide, on the division's website, educational materials or courses that relate to
157 suicide prevention that a primary care provider may complete at no cost and apply toward
158 continuing competency requirements required by division rule.

159 (3) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative
160 Rulemaking Act, make rules that establish procedures for:

161 (a) producing the suicide prevention videos described in Subsection (2); and

162 (b) providing access to the videos to each primary care provider.

163 Section 3. Section **58-31b-305** is amended to read:

164 **58-31b-305. Term of license -- Expiration -- Renewal.**

165 (1) (a) The division shall issue each license or certification under this chapter in
166 accordance with a two-year renewal cycle established by rule.

167 (b) The division may by rule extend or shorten a renewal period by as much as one year
168 to stagger the renewal cycles ~~[it]~~ the division administers.

169 (2) The division shall renew the license of a licensee who, at the time of renewal:

170 (a) completes and submits an application for renewal in a form prescribed by the
171 division;

172 (b) pays a renewal fee established by the division under Section [63J-1-504](#); ~~[and]~~

173 (c) views a suicide prevention video described in Section [58-1-601](#) and submits proof
174 in the form required by the division; and

175 ~~[(c)]~~ (d) meets continuing competency requirements as established by rule.

176 (3) In addition to the renewal requirements under Subsection (2), a person licensed as
177 an advanced practice registered nurse shall be currently certified by a program approved by the
178 division in collaboration with the board and submit evidence satisfactory to the division of that
179 qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

180 (4) In addition to the requirements described in Subsections (2) and (3), an advanced
181 practice registered nurse licensee specializing in psychiatric mental health nursing who, as of
182 the day on which the division originally issued the licensee's license had not completed the
183 division's clinical practice requirements in psychiatric and mental health nursing, shall, to
184 qualify for renewal:

185 (a) if renewing less than two years after the day on which the division originally issued
186 the license, demonstrate satisfactory progress toward completing the clinical practice
187 requirements; or

188 (b) have completed the clinical practice requirements.

189 (5) Each license or certification automatically expires on the expiration date shown on
190 the license or certification unless renewed in accordance with Section [58-1-308](#).

191 (6) The division shall accept and apply toward an hour requirement that the division
192 establishes under Subsection (2)~~(c)~~(d) continuing education that an advanced practice
193 registered nurse completes in accordance with Section 26-61a-106.

194 Section 4. Section 58-67-303 is amended to read:

195 **58-67-303. Term of license -- Expiration -- Renewal.**

196 (1) (a) Except as provided in Section 58-67-302.7, the division shall issue each license
197 under this chapter in accordance with a two-year renewal cycle established by division rule.

198 (b) The division may by rule extend or shorten a renewal period by as much as one year
199 to stagger the renewal cycles ~~it~~ the division administers.

200 (2) At the time of renewal, the licensee shall ~~show compliance with~~:

201 (a) view a suicide prevention video described in Section 58-1-601 and submit proof in
202 the form required by the division;

203 ~~(a)~~ (b) show compliance with continuing education renewal requirements; and

204 ~~(b)~~ (c) show compliance with the requirement for designation of a contact person and
205 alternate contact person for access to medical records and notice to patients as required by
206 Subsections 58-67-304(1)(b) and (c).

207 (3) Each license issued under this chapter expires on the expiration date shown on the
208 license unless renewed in accordance with Section 58-1-308.

209 (4) An individual may not be licensed as an associate physician for more than a total of
210 four years.

211 Section 5. Section 58-68-303 is amended to read:

212 **58-68-303. Term of license -- Expiration -- Renewal.**

213 (1) (a) The division shall issue each license under this chapter in accordance with a
214 two-year renewal cycle established by division rule.

215 (b) The division may by rule extend or shorten a renewal period by as much as one year
216 to stagger the renewal cycles ~~it~~ the division administers.

217 (2) At the time of renewal, the licensee shall ~~show compliance with~~:

218 (a) view a suicide prevention video described in Section 58-1-601 and submit proof in
219 the form required by the division;

220 [~~a~~] (b) show compliance with continuing education renewal requirements; and

221 [~~b~~] (c) show compliance with the requirement for designation of a contact person and
222 alternate contact person for access to medical records and notice to patients as required by
223 Subsections 58-68-304(1)(b) and (c).

224 (3) Each license issued under this chapter expires on the expiration date shown on the
225 license unless renewed in accordance with Section 58-1-308.

226 (4) An individual may not be licensed as an associate physician for more than a total of
227 four years.

228 Section 6. Section 58-70a-304 is amended to read:

229 **58-70a-304. License renewal -- Continuing education.**

230 (1) Prior to license renewal, each licensee shall, during each two-year licensure cycle or
231 other cycle defined by division rule[;]:

232 (a) view a suicide prevention video described in Section 58-1-601 and submit proof in
233 the form required by the division; and

234 (b) complete qualified continuing professional education requirements as defined by
235 division rule made in collaboration with the board.

236 (2) If a renewal period is extended or shortened under Section 58-70a-303, the
237 continuing education hours required for license renewal under this section are increased or
238 decreased proportionally.

239 Section 7. Section 62A-15-1501 is enacted to read:

240 **Part 15. Survivors of Suicide Loss Program**

241 **62A-15-1501. Definitions.**

242 As used in this part:

243 (1) "Account" means the Survivors of Suicide Loss Account created in Section
244 62A-15-1502.

245 (2) "Relative" means father, mother, husband, wife, son, daughter, sister, brother,
246 grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin,
247 mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

248 Section 8. Section **62A-15-1502** is enacted to read:

249 **62A-15-1502. Survivors of Suicide Loss Account.**

250 (1) There is created a restricted account within the General Fund known as the
251 "Survivors of Suicide Loss Account."

252 (2) The division shall administer the account in accordance with this part.

253 (3) The account shall consist of:

254 (a) money appropriated to the account by the Legislature; and

255 (b) interest earned on money in the account.

256 (4) Upon appropriation, the division shall award grants from the account to:

257 (a) a relative, legal guardian, or cohabitant of an individual who dies by suicide as
258 reimbursement for costs incurred by the relative, legal guardian, or cohabitant for mental health
259 treatment or therapy as a result of the suicide; and

260 (b) a person who provides, for no or minimal cost:

261 (i) clean-up of property affected or damaged by an individual's suicide, as
262 reimbursement for the costs incurred for the clean-up; and

263 (ii) bereavement services to a relative, legal guardian, or cohabitant of an individual
264 who dies by suicide.

265 (5) The division shall establish a grant application and review process for the
266 expenditure of money from the account.

267 (6) The grant application and review process shall describe:

268 (a) requirements to complete the grant application;

269 (b) requirements for receiving funding;

270 (c) criteria for the approval of a grant application; and

271 (d) support offered by the division to complete a grant application.

- 272 (7) Upon receipt of a grant application, the division shall:
- 273 (a) review the grant application for completeness;
- 274 (b) make a determination regarding the grant application;
- 275 (c) inform the grant applicant of the division's determination regarding the grant
- 276 application; and
- 277 (d) if approved, award grants from the account to the grant applicant.
- 278 (8) Before November 30 of each year, the division shall report to the Health and
- 279 Human Services Interim Committee regarding the status of the account and expenditures made
- 280 from the account.

281 Section 9. Section **62A-15-1601** is enacted to read:

282 **Part 16. Psychiatric Consultation Program**

283 **62A-15-1601. Definitions.**

284 As used in this part:

- 285 (1) "Account" means the Psychiatric Consultation Program Account created in Section
- 286 62A-15-1602.
- 287 (2) "Health care facility" means a facility that provides licensed health care programs
- 288 and services and employs at least two psychiatrists, at least one of whom is a child psychiatrist.
- 289 (3) "Nurse practitioner" means an individual who is licensed to practice as an advanced
- 290 practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act.
- 291 (4) "Physician" means an individual licensed to practice as a physician or osteopath
- 292 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
- 293 Osteopathic Medical Practice Act.
- 294 (5) "Physician assistant" means an individual who is licensed to practice as a physician
- 295 assistant under Title 58, Chapter 70a, Physician Assistant Act.
- 296 (6) "Primary care provider" means a nurse practitioner, physician, or physician
- 297 assistant.
- 298 (7) "Psychiatrist" means an individual who:

299 (a) is licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act, or
300 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

301 (b) is board eligible for a psychiatry specialization recognized by the American Board
302 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
303 Specialists.

304 (8) "Telehealth psychiatric consultation" means a consultation regarding a patient's
305 mental health care, including diagnostic clarification, medication adjustment, or treatment
306 planning, between a primary care provider and a psychiatrist that is completed through the use
307 of electronic or telephonic communication.

308 Section 10. Section **62A-15-1602** is enacted to read:

309 **62A-15-1602. Psychiatric Consultation Program Account.**

310 (1) There is created a restricted account within the General Fund known as the
311 "Psychiatric Consultation Program Account."

312 (2) The division shall administer the account in accordance with this part.

313 (3) The account shall consist of:

314 (a) money appropriated to the account by the Legislature; and

315 (b) interest earned on money in the account.

316 (4) Upon appropriation, the division shall award grants from the account to one or
317 more health care facilities to implement a program that provides a primary care provider access
318 to a telehealth psychiatric consultation when evaluating a patient for or providing a patient
319 mental health treatment.

320 (5) The division may award and distribute grant money to a health care facility only if
321 the health care facility:

322 (a) is located in the state; and

323 (b) submits an application in accordance with Subsection (6).

324 (6) An application for a grant under this section shall include:

325 (a) the number of psychiatrists employed by the health care facility;

326 (b) the health care facility's plan to implement the telehealth psychiatric consultation
327 program described in Subsection (4);

328 (c) the estimated cost to implement the telehealth psychiatric consultation program
329 described in Subsection (4);

330 (d) any plan to use one or more funding sources in addition to a grant under this section
331 to implement the telehealth psychiatric consultation program described in Subsection (4);

332 (e) the amount of grant money requested to fund the telehealth psychiatric consultation
333 program described in Subsection (4); and

334 (f) any existing or planned contract or partnership between the health care facility and
335 another person to implement the telehealth psychiatric consultation program described in
336 Subsection (4).

337 (7) A health care facility that receives grant money under this section shall file a report
338 with the division before October 1 of each year that details for the immediately preceding
339 calendar year:

340 (a) the type and effectiveness of each service provided in the telehealth psychiatric
341 program;

342 (b) the utilization of the telehealth psychiatric program based on metrics or categories
343 determined by the division;

344 (c) the total amount expended from the grant money; and

345 (d) the intended use for grant money that has not been expended.

346 (8) Before November 30 of each year, the division shall report to the Health and
347 Human Services Interim Committee regarding:

348 (a) the status of the account and expenditures made from the account; and

349 (b) a summary of any report provided to the division under Subsection (7).

350 Section 11. Section **78B-4-516** is enacted to read:

351 **78B-4-516. Immunity for providing assistance in a suicide emergency.**

352 (1) As used in this section:

353 (a) "Emergency care" means assistance or advice offered to avoid, mitigate, or attempt
354 to mitigate the effects of a suicide emergency.

355 (b) "Suicide emergency" means an occurrence that reasonably indicates an individual is
356 at risk of dying or attempting to die by suicide.

357 (2) A person who provides emergency care at or near the scene of, or during, a suicide
358 emergency, gratuitously and in good faith, is not liable for any civil damages or penalties as a
359 result of any act or omission by the person providing the emergency care, unless the person is
360 grossly negligent or caused the suicide emergency.

361 Section 12. **Appropriation.**

362 The following sums of money are appropriated for the fiscal year beginning on July 1,
363 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
364 fiscal year 2020.

365 Subsection (12)(a). **Restricted Fund and Account Transfers.**

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

369 ITEM 1

370 To General Fund Restricted -- Survivors of Suicide Loss Account

371 From General Fund \$40,000

372 Schedule of Programs:

373 General Fund Restricted -- Survivors of Suicide

374 Loss Account \$40,000

375 ITEM 2

376 To General Fund Restricted -- Psychiatric Consultation Program Account

377 From General Fund \$275,000

378 Schedule of Programs:

379 General Fund Restricted -- Psychiatric Consultation

407 Community Mental Health Services \$285,000

408 The Legislature intends that:

409 (1) appropriations provided under this item be used for suicide prevention,

410 intervention, and postvention, including:

411 (a) suicide prevention and intervention training and education for health care providers
412 and individuals in the community;

413 (b) development of suicide prevention resources and tools and delivery of the resources
414 and tools to individuals in the community; and

415 (c) providing postvention support and information relating to coping and problem
416 solving skills to individuals in the community impacted by suicide loss; and

417 (2) under Section 63J-1-603, appropriations provided under this item not lapse at the
418 close of fiscal year 2020 and the use of any nonlapsing funds is limited to the purpose
419 described under this item.

420 ITEM 6

421 To Governor's Office -- Suicide Prevention

422 From General Fund, One-time \$700,000

423 Schedule of Programs:

424 Suicide Prevention \$700,000

425 The Legislature intends that:

426 (1) subject to Subsection (2) of this item, the appropriations provided under this item
427 be used to award grants under Section 62A-15-1103;

428 (2) the amount of appropriations under this item used to award grants under Section
429 62A-15-1103 may not exceed the total amount of private gifts, grants, and bequests of personal
430 property made to the Governor's Suicide Prevention Fund under Section 62A-15-1103 after
431 October 31, 2018; and

432 (3) subject to Section 63J-1-603, appropriations provided under this item not lapse at
433 the close of fiscal year 2020 and the use of any nonlapsing funds is, subject to Subsection (2) of

434 this item, limited to the purpose described in Subsection (1) of this item.