

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 Grant Fund;
- ▶ establishes the Psychiatric Consultation Program Grant Fund;
- ▶ 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 Department of Human Services -- Division of Substance Abuse and Mental Health, as an ongoing appropriation:



28 • from General Fund, \$1,333,000.
 29 ▶ to Governor's Office -- Suicide Prevention -- Suicide Prevention, as a one-time
 30 appropriation:

31 • from General Fund, One-time, \$1,500,000.

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53G-9-702**, as last amended by Laws of Utah 2018, Chapter 414 and renumbered and
 37 amended by Laws of Utah 2018, Chapter 3

38 **58-31b-305**, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

39 **58-67-303**, as last amended by Laws of Utah 2017, Chapter 299

40 **58-68-303**, as last amended by Laws of Utah 2017, Chapter 299

41 **58-70a-304**, as last amended by Laws of Utah 2001, Chapter 268

42 ENACTS:

43 **58-1-601**, Utah Code Annotated 1953

44 **62A-15-1501**, Utah Code Annotated 1953

45 **62A-15-1502**, Utah Code Annotated 1953

46 **62A-15-1601**, Utah Code Annotated 1953

47 **62A-15-1602**, Utah Code Annotated 1953

48 **78B-4-516**, Utah Code Annotated 1953



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

51 Section 1. Section **53G-9-702** is amended to read:

52 **53G-9-702. Youth suicide prevention programs required in secondary schools --**
 53 **State Board of Education to develop model programs -- Reporting requirements.**

54 (1) As used in the section:

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

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

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

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

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

62 (f) "Secondary grades":

63 (i) means grades 7 through 12; and

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

65 (g) "State suicide prevention coordinator" means the state suicide prevention
66 coordinator described in Section 62A-15-1101.

67 (2) In collaboration with the public education suicide prevention coordinator, a school
68 district or charter school, in the secondary grades of the school district or charter school, shall
69 implement a youth suicide prevention program, which, in collaboration with the training,
70 programs, and initiatives described in Section 53G-9-607, shall include programs and training
71 to address:

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

73 (b) prevention of youth suicide;

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

76 [~~e~~] (d) youth suicide intervention;

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

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

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

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

81 (3) The board shall:

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

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

85 (i) program training; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 (b) School districts and charter schools shall provide to the board information that is

121 necessary for the board's report to the Legislature's Education Interim Committee as required in
122 Subsection (7)(a).

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

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

125 **58-1-601. Suicide prevention video -- Primary care providers.**

126 (1) As used in this section:

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

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

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

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

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

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

139 (i) are web-accessible;

140 (ii) are each no longer than 60 minutes in length; and

141 (iii) include information about:

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

143 (B) suicide prevention and intervention; and

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

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

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

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

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

152 **58-31b-305. Term of license -- Expiration -- Renewal.**

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

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

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

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

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

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

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

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

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

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

176 (b) have completed the clinical practice requirements.

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

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

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

183 **58-67-303. Term of license -- Expiration -- Renewal.**

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

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

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

189 (a) view the suicide prevention video described in Section [58-1-601](#) and submit proof
190 in the form required by the division;

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

192 ~~[(b)]~~ (c) show compliance with the requirement for designation of a contact person and
193 alternate contact person for access to medical records and notice to patients as required by
194 Subsections [58-67-304](#)(1)(b) and (c).

195 (3) Each license issued under this chapter expires on the expiration date shown on the
196 license unless renewed in accordance with Section [58-1-308](#).

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

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

200 **58-68-303. Term of license -- Expiration -- Renewal.**

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

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

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

206 (a) view the suicide prevention video described in Section [58-1-601](#) and submit proof
207 in the form required by the division;

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

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

212 (3) Each license issued under this chapter expires on the expiration date shown on the
213 license unless renewed in accordance with Section [58-1-308](#).

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

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

217 **58-70a-304. License renewal -- Continuing education.**

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

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

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

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

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

228 **Part 15. Survivors of Suicide Loss Grant Fund**

229 **62A-15-1501. Definitions.**

230 As used in this part:

231 (1) "Fund" means the Survivors of Suicide Loss Grant Fund created in Section
232 62A-15-1502.

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

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

237 **62A-15-1502. Survivors of Suicide Loss Grant Fund.**

238 (1) There is created an expendable special revenue fund known as the "Survivors of
239 Suicide Loss Grant Fund."

240 (2) The division shall administer the fund in accordance with this part.

241 (3) The fund shall consist of:

242 (a) money appropriated to the fund by the Legislature; and

243 (b) interest earned on money in the fund.

244 (4) The division shall award grants from the fund to:

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

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

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

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

253 (5) The division shall establish a grant application and review process for the
254 expenditure of money from the fund.

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

256 (a) requirements to complete the grant application;

257 (b) requirements for receiving funding;

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

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

260 (7) Upon receipt of a grant application, the division shall:

261 (a) review the grant application for completeness;

262 (b) make a determination regarding the grant application;

263 (c) inform the grant applicant of the division's determination regarding the grant
264 application; and

265 (d) if approved, release funds to the grant applicant.

266 (8) Before November 30 of each year, the division shall report to the Health and
267 Human Services Interim Committee regarding the status of the fund and expenditures made
268 from the fund.

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

270 **Part 16. Psychiatric Consultation Program**

271 **62A-15-1601. Definitions.**

272 As used in this part:

273 (1) "Fund" means the Psychiatric Consultation Program Grant Fund created in Section
274 [62A-15-1603](#).

275 (2) "Health care facility" means a facility that provides licensed health care programs

276 and services and employs at least two psychiatrists, at least one of whom is a child psychiatrist.

277 (3) "Nurse practitioner" means an individual who is licensed to practice as an advanced
278 practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act.

279 (4) "Physician" means an individual licensed to practice as a physician or osteopath
280 under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
281 Osteopathic Medical Practice Act.

282 (5) "Physician assistant" means an individual who is licensed to practice as a physician
283 assistant under Title 58, Chapter 70a, Physician Assistant Act.

284 (6) "Primary care provider" means a nurse practitioner, physician, or physician
285 assistant.

286 (7) "Psychiatrist" means an individual who:

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

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

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

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

297 **62A-15-1602. Psychiatric Consultation Program Grant Fund.**

298 (1) There is created an expendable special revenue fund known as the "Psychiatric
299 Consultation Program Grant Fund."

300 (2) The division shall administer the fund in accordance with this part.

301 (3) The fund shall consist of:

302 (a) money appropriated to the fund by the Legislature; and

303 (b) interest earned on money in the fund.

304 (4) The division shall award grants from the fund to one or more health care facilities
305 to implement a program that provides a primary care provider access to a telehealth psychiatric
306 consultation when evaluating a patient for or providing a patient mental health treatment.

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

309 (a) is located in the state; and

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

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

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

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

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

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

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

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

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

327 (a) the type of services provided in the telehealth psychiatric program and the
328 effectiveness of the services;

329 (b) the total amount expended from the grant money; and

330 (c) the intended use for grant money that has not been expended.

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

333 (a) the status of the fund and expenditures made from the fund; and

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

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

336 **78B-4-516. Immunity for providing assistance in a suicide emergency.**

337 (1) As used in this section:

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

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

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

346 Section 12. **Appropriation.**

347 The following sums of money are appropriated for the fiscal year beginning on July 1,
348 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
349 fiscal year 2020. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
350 Act, the Legislature appropriates the following sums of money from the funds or accounts
351 indicated for the use and support of the government of the state of Utah.

352 ITEM 1

353 To Department of Human Services -- Division of Substance Abuse and Mental Health

354 From General Fund \$1,333,000

355 Schedule of Programs:

356 Community Mental Health Services \$1,333,000

357 The Legislature intends that:

358 (1) up to \$83,000 of the appropriations provided under this item be used to award
359 grants under Section 62A-15-1502;

360 (2) up to \$350,000 of the appropriations provided under this item be used to award
361 grants under Section 62A-15-1602;

362 (3) up to \$900,000 of the appropriations provided under this item be used for suicide
363 prevention, intervention, and postvention, including:

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

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

368 (c) providing postvention support and information relating to coping and problem

369 solving skills to individuals in the community impacted by suicide loss; and
 370 (4) under Section 63J-1-603, appropriations provided under this item not lapse at the
 371 close of fiscal year 2020 and the use of any nonlapsing funds is limited to the respective
 372 purposes described under Subsection (1), (2), or (3).

373 ITEM 2

374 To Governor's Office -- Suicide Prevention

375 <u>From General Fund, One-time</u>	<u>\$1,500,000</u>
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376 Schedule of Programs:

377 <u>Suicide Prevention</u>	<u>\$1,500,000</u>
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378 The Legislature intends that:

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

381 (2) the amount of appropriations under this item used to award grants under Section
 382 62A-15-1103 may not exceed the total amount of private gifts, grants, and bequests of personal
 383 property made to the Governor's Suicide Prevention Fund under Section 62A-15-1103 during
 384 fiscal year 2019.