

Representative Steve Eliason proposes the following substitute bill:

CRISIS RESPONSE AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill relates to crisis response treatment and resources.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ changes the name of the "Mental Health Crisis Line Commission" to the "Mental Health Crisis Response Commission";
- ▶ modifies the membership of the Mental Health Crisis Response Commission;
- ▶ authorizes the Department of Human Services to establish a statewide stabilization services plan and standards for providing stabilization services to a child or the child's parent or legal guardian; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 26 [26-18-418](#), as enacted by Laws of Utah 2018, Chapter 408
- 27 [62A-1-104](#), as last amended by Laws of Utah 2018, Chapter 147
- 28 [62A-1-111](#), as last amended by Laws of Utah 2018, Chapter 200
- 29 [62A-15-1301](#), as enacted by Laws of Utah 2018, Chapter 407
- 30 [62A-15-1401](#), as enacted by Laws of Utah 2018, Chapter 84
- 31 [63C-18-101](#), as enacted by Laws of Utah 2017, Chapter 23
- 32 [63C-18-102](#), as enacted by Laws of Utah 2017, Chapter 23
- 33 [63C-18-202](#), as enacted by Laws of Utah 2017, Chapter 23
- 34 [63I-1-263](#), as last amended by Laws of Utah 2018, Chapters 85, 144, 182, 261, 321,
- 35 338, 340, 347, 369, 428, 430, and 469



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

38 Section 1. Section **26-18-418** is amended to read:

39 **26-18-418. Medicaid waiver for mental health crisis lines and mobile crisis**
40 **outreach teams.**

41 (1) As used in this section:

42 (a) "Local mental health crisis line" means the same as that term is defined in Section
43 [63C-18-102](#).

44 (b) "Mental health crisis" means:

45 (i) a mental health condition that manifests itself in an individual by symptoms of
46 sufficient severity that a prudent layperson who possesses an average knowledge of mental
47 health issues could reasonably expect the absence of immediate attention or intervention to
48 result in:

49 (A) serious danger to the individual's health or well-being; or

50 (B) a danger to the health or well-being of others; or

51 (ii) a mental health condition that, in the opinion of a mental health therapist or the
52 therapist's designee, requires direct professional observation or the intervention of a mental
53 health therapist.

54 (c) (i) "Mental health crisis services" means direct mental health services and on-site
55 intervention that a mobile crisis outreach team provides to an individual suffering from a
56 mental health crisis, including the provision of safety and care plans, prolonged mental health

57 services for up to 90 days, and referrals to other community resources.

58 (ii) "Mental health crisis services" includes:

59 (A) local mental health crisis lines; and

60 (B) the statewide mental health crisis line.

61 (d) "Mental health therapist" means the same as that term is defined in Section

62 [58-60-102](#).

63 (e) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and

64 mental health professionals that, in coordination with local law enforcement and emergency

65 medical service personnel, provides mental health crisis services.

66 (f) "Statewide mental health crisis line" means the same as that term is defined in

67 Section [63C-18-102](#).

68 (2) In consultation with the Department of Human Services and the Mental Health

69 Crisis [~~Line~~] Response Commission created in Section [63C-18-202](#), the department shall

70 develop a proposal to amend the state Medicaid plan to include mental health crisis services,

71 including the statewide mental health crisis line, local mental health crisis lines, and mobile

72 crisis outreach teams.

73 (3) By January 1, 2019, the department shall apply for a Medicaid waiver with the

74 Centers for Medicare and Medicaid Services within the United States Department of Health

75 and Human Services, if necessary to implement, within the state Medicaid program, the mental

76 health crisis services described in Subsection (2).

77 Section 2. Section **62A-1-104** is amended to read:

78 **62A-1-104. Definitions.**

79 (1) As used in this title:

80 (a) "Competency evaluation" means the same as that term is defined in Section

81 [77-15-2](#).

82 (b) "Concurrence of the board" means agreement by a majority of the members of a

83 board.

84 (c) "Department" means the Department of Human Services established in Section

85 [62A-1-102](#).

86 (d) "Executive director" means the executive director of the department, appointed

87 under Section [62A-1-108](#).

88 (e) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.

89 (f) "Stabilization services" means in-home services provided to a child with or who is
90 at risk for complex emotional and behavioral needs, including teaching skills to improve family
91 functioning.

92 [(f)] (g) "System of care" means a broad, flexible array of services and supports that:

93 (i) serves a child with or who is at risk for complex emotional and behavioral needs;

94 (ii) is community based;

95 (iii) is informed about trauma;

96 (iv) builds meaningful partnerships with families and children;

97 (v) integrates service planning, service coordination, and management across state and
98 local entities;

99 (vi) includes individualized case planning;

100 (vii) provides management and policy infrastructure that supports a coordinated
101 network of interdepartmental service providers, contractors, and service providers who are
102 outside of the department; and

103 (viii) is guided by the type and variety of services needed by a child with or who is at
104 risk for complex emotional and behavioral needs and by the child's family.

105 (2) The definitions provided in Subsection (1) are to be applied in addition to
106 definitions contained throughout this title that are applicable to specified chapters or parts.

107 Section 3. Section 62A-1-111 is amended to read:

108 **62A-1-111. Department authority.**

109 The department may, in addition to all other authority and responsibility granted to the
110 department by law:

111 (1) adopt rules, not inconsistent with law, as the department may consider necessary or
112 desirable for providing social services to the people of this state;

113 (2) establish and manage client trust accounts in the department's institutions and
114 community programs, at the request of the client or the client's legal guardian or representative,
115 or in accordance with federal law;

116 (3) purchase, as authorized or required by law, services that the department is
117 responsible to provide for legally eligible persons;

118 (4) conduct adjudicative proceedings for clients and providers in accordance with the

119 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

120 (5) establish eligibility standards for its programs, not inconsistent with state or federal
121 law or regulations;

122 (6) take necessary steps, including legal action, to recover money or the monetary value
123 of services provided to a recipient who was not eligible;

124 (7) set and collect fees for its services;

125 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
126 or limited by law;

127 (9) acquire, manage, and dispose of any real or personal property needed or owned by
128 the department, not inconsistent with state law;

129 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
130 the proceeds thereof, may be credited to the program designated by the donor, and may be used
131 for the purposes requested by the donor, as long as the request conforms to state and federal
132 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
133 under guidelines established by the state treasurer;

134 (11) accept and employ volunteer labor or services; the department is authorized to
135 reimburse volunteers for necessary expenses, when the department considers that
136 reimbursement to be appropriate;

137 (12) carry out the responsibility assigned in the workforce services plan by the State
138 Workforce Development Board;

139 (13) carry out the responsibility assigned by Section [35A-8-602](#) with respect to
140 coordination of services for the homeless;

141 (14) carry out the responsibility assigned by Section [62A-5a-105](#) with respect to
142 coordination of services for students with a disability;

143 (15) provide training and educational opportunities for its staff;

144 (16) collect child support payments and any other money due to the department;

145 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
146 whose child lives out of the home in a department licensed or certified setting;

147 (18) establish policy and procedures, within appropriations authorized by the
148 Legislature, in cases where the department is given custody of a minor by the juvenile court
149 under Section [78A-6-117](#) or ordered to prepare an attainment plan for a minor found not

150 competent to proceed under Section 78A-6-1301; any policy and procedures shall include:

151 (a) designation of interagency teams for each juvenile court district in the state;

152 (b) delineation of assessment criteria and procedures;

153 (c) minimum requirements, and timeframes, for the development and implementation

154 of a collaborative service plan for each minor placed in department custody; and

155 (d) provisions for submittal of the plan and periodic progress reports to the court;

156 (19) carry out the responsibilities assigned to it by statute;

157 (20) examine and audit the expenditures of any public funds provided to local

158 substance abuse authorities, local mental health authorities, local area agencies on aging, and

159 any person, agency, or organization that contracts with or receives funds from those authorities

160 or agencies. Those local authorities, area agencies, and any person or entity that contracts with

161 or receives funds from those authorities or area agencies, shall provide the department with any

162 information the department considers necessary. The department is further authorized to issue

163 directives resulting from any examination or audit to local authorities, area agencies, and

164 persons or entities that contract with or receive funds from those authorities with regard to any

165 public funds. If the department determines that it is necessary to withhold funds from a local

166 mental health authority or local substance abuse authority based on failure to comply with state

167 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of

168 services. For purposes of this Subsection (20) "public funds" means the same as that term is

169 defined in Section 62A-15-102;

170 (21) pursuant to Subsection 62A-2-106(1)(d), accredit one or more agencies and

171 persons to provide intercountry adoption services;

172 (22) within appropriations authorized by the Legislature, promote and develop a

173 system of care~~[, as defined in Section 62A-1-104]~~ and stabilization services:

174 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

175 (b) that encompasses the department, department contractors, and the divisions,

176 offices, or institutions within the department, to:

177 (i) navigate services, funding resources, and relationships to the benefit of the children

178 and families whom the department serves;

179 (ii) centralize department operations, including procurement and contracting;

180 (iii) develop policies that govern business operations and that facilitate a system of care

181 approach to service delivery;

182 (iv) allocate resources that may be used for the children and families served by the
183 department or the divisions, offices, or institutions within the department, subject to the
184 restrictions in Section 63J-1-206;

185 (v) create performance-based measures for the provision of services; and

186 (vi) centralize other business operations, including data matching and sharing among
187 the department's divisions, offices, and institutions; and

188 (23) ensure that any training or certification required of a public official or public
189 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
190 22, State Training and Certification Requirements, if the training or certification is required:

191 (a) under this title;

192 (b) by the department; or

193 (c) by an agency or division within the department.

194 Section 4. Section 62A-15-1301 is amended to read:

195 **62A-15-1301. Definitions.**

196 As used in this part:

197 (1) "Commission" means the Mental Health Crisis [~~Line~~] Response Commission
198 created in Section 63C-18-202.

199 (2) "Crisis worker" means an individual who:

200 (a) meets the standards of qualification or certification that the division sets, in
201 accordance with Section 62A-15-1302; and

202 (b) staffs the statewide mental health crisis line or a local mental health crisis line
203 under the supervision of at least one mental health therapist.

204 (3) "Local mental health crisis line" means the same as that term is defined in Section
205 63C-18-102.

206 (4) "Mental health therapist" means the same as that term is defined in Section
207 58-60-102.

208 (5) "Statewide mental health crisis line" means the same as that term is defined in
209 Section 63C-18-102.

210 Section 5. Section 62A-15-1401 is amended to read:

211 **62A-15-1401. Definitions.**

212 As used in this part:

213 (1) "Commission" means the Mental Health Crisis [~~Line~~] Response Commission
214 created in Section 63C-18-202.

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

217 (3) "Emergency medical services" means the same as that term is defined in Section
218 26-8a-102.

219 (4) "MCOT certification" means the certification created in this part for MCOT
220 personnel and mental health crisis outreach services.

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

223 (6) "Mental health crisis" means a mental health condition that manifests itself by
224 symptoms of sufficient severity that a prudent layperson who possesses an average knowledge
225 of mental health issues could reasonably expect the absence of immediate attention or
226 intervention to result in:

227 (a) serious jeopardy to the individual's health or well-being; or

228 (b) a danger to others.

229 (7) (a) "Mental health crisis services" means mental health services and on-site
230 intervention that a person renders to an individual suffering from a mental health crisis.

231 (b) "Mental health crisis services" includes the provision of safety and care plans,
232 stabilization services offered for a minimum of 60 days, and referrals to other community
233 resources.

234 (8) "Mental health therapist" means the same as that term is defined in Section
235 58-60-102.

236 (9) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
237 mental health professionals that provides mental health crisis services and, based on the
238 individual circumstances of each case, coordinates with local law enforcement, emergency
239 medical service personnel, and other appropriate state or local resources.

240 Section 6. Section 63C-18-101 is amended to read:

241 **CHAPTER 18. MENTAL HEALTH CRISIS RESPONSE COMMISSION**

242 **63C-18-101. Title.**

243 (1) This chapter is known as the "Mental Health Crisis [~~Line~~] Response Commission."

244 (2) This part is known as "General Provisions."

245 Section 7. Section **63C-18-102** is amended to read:

246 **63C-18-102. Definitions.**

247 As used in this chapter:

248 (1) "Commission" means the Mental Health Crisis [~~Line~~] Response Commission
249 created in Section [63C-18-202](#).

250 (2) "Local mental health crisis line" means a phone number or other response system
251 that is:

252 (a) accessible within a particular geographic area of the state; and

253 (b) intended to allow an individual to contact and interact with a qualified mental or
254 behavioral health professional.

255 (3) "Statewide mental health crisis line" means a statewide phone number or other
256 response system that allows an individual to contact and interact with a qualified mental or
257 behavioral health professional 24 hours per day, 365 days per year.

258 Section 8. Section **63C-18-202** is amended to read:

259 **63C-18-202. Commission established -- Members.**

260 (1) There is created the Mental Health Crisis [~~Line~~] Response Commission, composed
261 of the following [~~++~~] 12 members:

262 (a) the executive director of the University Neuropsychiatric Institute;

263 (b) the governor or the governor's designee;

264 (c) the director of the Division of Substance Abuse and Mental Health;

265 (d) one representative of the Office of the Attorney General, appointed by the attorney
266 general;

267 (e) one member of the public, appointed by the chair of the commission;

268 (f) two individuals who are mental or behavioral health clinicians licensed to practice
269 in the state, appointed by the chair of the commission, at least one of whom is an individual
270 who:

271 (i) is licensed as a physician under:

272 (A) Title 58, Chapter 67, Utah Medical Practice Act;

273 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or

274 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
275 (ii) is board eligible for a psychiatry specialization recognized by the American Board
276 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
277 Specialists;

278 (g) one individual who represents a county of the first or second class, appointed by the
279 Utah Association of Counties;

280 (h) one individual who represents a county of the third, fourth, or fifth class, appointed
281 by the Utah Association of Counties;

282 (i) one individual who represents the Utah Hospital Association;

283 ~~(j)~~ (j) one member of the House of Representatives, appointed by the speaker of the
284 House of Representatives; and

285 ~~(k)~~ (k) one member of the Senate, appointed by the president of the Senate.

286 (2) (a) The executive director of the University Neuropsychiatric Institute is the chair
287 of the commission.

288 (b) The chair of the commission shall appoint a member of the commission to serve as
289 the vice chair of the commission, with the approval of the commission.

290 (c) The chair of the commission shall set the agenda for each commission meeting.

291 (3) (a) A majority of the members of the commission constitutes a quorum.

292 (b) The action of a majority of a quorum constitutes the action of the commission.

293 (4) (a) Except as provided in Subsection (4)(b), a member may not receive
294 compensation, benefits, per diem, or travel expenses for the member's service on the
295 commission.

296 (b) Compensation and expenses of a member who is a legislator are governed by
297 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

298 (5) The Office of the Attorney General shall provide staff support to the commission.

299 Section 9. Section 63I-1-263 is amended to read:

300 **63I-1-263. Repeal dates, Titles 63A to 63N.**

301 (1) Subsection 63A-5-104(4)(h) is repealed on July 1, 2024.

302 (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

303 (3) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
304 1, 2028.

305 (4) Title 63C, Chapter 4b, Commission for the Stewardship of Public Lands, is
306 repealed November 30, 2019.

307 (5) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
308 2020.

309 (6) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
310 repealed July 1, 2021.

311 (7) Title 63C, Chapter 18, Mental Health Crisis ~~[Line]~~ Response Commission, is
312 repealed July 1, 2023.

313 (8) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
314 2025.

315 (9) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
316 2020.

317 (10) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

318 (11) On July 1, 2025:

319 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
320 Development Coordinating Committee," is repealed;

321 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
322 sites for the transplant of species to local government officials having jurisdiction over areas
323 that may be affected by a transplant.";

324 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development
325 Coordinating Committee" is repealed;

326 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
327 Coordinating Committee created in Section 63J-4-501 and" is repealed;

328 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
329 Coordinating Committee and" is repealed;

330 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
331 accordingly;

332 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

333 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
334 word "and" is inserted immediately after the semicolon;

335 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

336 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
337 and

338 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
339 renumbered accordingly.

340 (12) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed
341 July 1, 2026.

342 (13) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
343 Commission, is repealed July 1, 2023.

344 (14) (a) Subsection 63J-1-602.1(51), relating to the Utah Statewide Radio System
345 Restricted Account, is repealed July 1, 2022.

346 (b) When repealing Subsection 63J-1-602.1(51), the Office of Legislative Research and
347 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
348 necessary changes to subsection numbering and cross references.

349 (15) The Crime Victim Reparations and Assistance Board, created in Section
350 63M-7-504, is repealed July 1, 2027.

351 (16) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2027.

352 (17) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

353 (18) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is
354 repealed January 1, 2021.

355 (b) Subject to Subsection (18)(c), Sections 59-7-610 and 59-10-1007 regarding tax
356 credits for certain persons in recycling market development zones, are repealed for taxable
357 years beginning on or after January 1, 2021.

358 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

359 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
360 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

361 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if
362 the expenditure is made on or after January 1, 2021.

363 (d) Notwithstanding Subsections (18)(b) and (c), a person may carry forward a tax
364 credit in accordance with Section 59-7-610 or 59-10-1007 if:

365 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

366 (ii) (A) for the purchase price of machinery or equipment described in Section

367 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
368 2020; or

369 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
370 expenditure is made on or before December 31, 2020.

371 (19) Section 63N-2-512 is repealed on July 1, 2021.

372 (20) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
373 January 1, 2021.

374 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
375 calendar years beginning on or after January 1, 2021.

376 (c) Notwithstanding Subsection (20)(b), an entity may carry forward a tax credit in
377 accordance with Section 59-9-107 if:

378 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
379 31, 2020; and

380 (ii) the qualified equity investment that is the basis of the tax credit is certified under
381 Section 63N-2-603 on or before December 31, 2023.

382 (21) Subsections 63N-3-109(2)(f) and 63N-3-109(2)(g)(i)(C) are repealed July 1, 2023.

383 (22) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
384 July 1, 2023.

385 (23) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
386 is repealed January 1, 2023.

387 [~~24) Title 63N, Chapter 12, Part 4, Career and Technical Education Board, is repealed~~
388 ~~July 1, 2018.~~]