

1 **SUBSTANCE USE AND HEALTH CARE AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad M. Daw**

5 Senate Sponsor: Allen M. Christensen

6

LONG TITLE

7 **Committee Note:**

8 The Health and Human Services Interim Committee recommended this bill.

9 Legislative Vote: 10 voting for 0 voting against 7 absent

10 **General Description:**

11 This bill modifies and enacts provisions relating to substance use treatment, mental
12 health treatment, and health care provided in a correctional facility and the Utah State
13 Hospital.
14

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ defines terms;
- 18 ▶ directs the Department of Health to apply for a waiver under the state Medicaid plan

19 to offer a program to provide Medicaid coverage to certain inmates ~~H→~~ **[during the] for up to** ~~←H~~

19a 30
20 days before release from a correctional facility;

- 21 ▶ creates a refundable tax credit for certain practitioners who provide substance use
22 disorder treatment or mental health therapy in a correctional facility or the Utah

23 State Hospital;

- 24 ▶ creates a substance use and mental health telehealth pilot program to be conducted
25 in one or more county jails; and

- 26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **58-1-111**, as enacted by Laws of Utah 2016, Chapter 407

34 **59-10-1111**, as enacted by Laws of Utah 2016, Chapter 407

35 **63I-1-262**, as last amended by Laws of Utah 2019, Chapters 246, 257, 440 and last
36 amended by Coordination Clause, Laws of Utah 2019, Chapter 246

37 ENACTS:

38 **26-18-420**, Utah Code Annotated 1953

39 **62A-15-118**, Utah Code Annotated 1953



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

42 Section 1. Section **26-18-420** is enacted to read:

43 **26-18-420. Medicaid waiver for coverage of qualified inmates leaving prison or**
44 **jail.**

45 (1) As used in this section:

46 (a) "Correctional facility" means:

47 (i) a county jail;

48 (ii) the Department of Corrections, created in Section 64-13-2; or

49 (iii) a prison, penitentiary, or other institution operated by or under contract with the
50 Department of Corrections for the confinement of an offender, as defined in Section 64-13-1.

51 (b) "Qualified inmate" means an individual who:

52 (i) is incarcerated in a correctional facility; and

53 (ii) has:

54 (A) a chronic physical or behavioral health condition;

55 (B) a mental illness, as defined in Section 62A-15-602; or

56 (C) an opioid use disorder.

57 (2) Before July 1, 2020, the division shall apply for a Medicaid waiver or a state plan

58 amendment with CMS to offer a program to provide Medicaid coverage ~~to~~ **for** ~~to~~ a qualified
58a inmate

59 ~~H~~→ [during the] for up to ←~~H~~ 30 days immediately before the day on which the qualified inmate is
 59a released from a
 60 correctional facility.

61 (3) If the waiver or state plan amendment described in Subsection (2) is approved, the
 62 department shall report to the Health and Human Services Interim Committee each year before
 63 November 30 while the waiver or state plan amendment is in effect regarding:

64 (a) the number of qualified inmates served under the program;

65 (b) the cost of the program; and

66 (c) the effectiveness of the program, including:

67 (i) any reduction in the number of emergency room visits or hospitalizations by
 68 inmates after release from a correctional facility;

69 (ii) any reduction in the number of inmates undergoing inpatient treatment after release
 70 from a correctional facility;

71 (iii) any reduction in overdose rates and deaths of inmates after release from a
 72 correctional facility; and

73 (iv) any other costs or benefits as a result of the program.

74 Section 2. Section **58-1-111** is amended to read:

75 **58-1-111. Tax credit certificate --Mental health practitioners and substance use**
 76 **therapists -- Underserved populations.**

77 (1) As used in this section:

78 (a) "Average of 20 hours or more per week" means that the quotient calculated when
 79 dividing the claimant's total hours providing licensed services, in-custody mental health
 80 therapy, or in-custody substance use disorder treatment in the state during the taxable year by
 81 the number of weeks in which the claimant is licensed in the state during the taxable year is
 82 greater than or equal to 20.

83 ~~[(a)]~~ (b) "Average of 30 hours or more per week" means that the quotient calculated
 84 when dividing the claimant's total hours providing licensed services, in-custody mental health
 85 therapy, or in-custody substance use disorder treatment in the state during the taxable year by
 86 the number of weeks in which the claimant is licensed in the state during the taxable year is
 87 greater than or equal to 30.

88 (c) "In-custody mental health therapy" means the provision of behavioral health
 89 treatment within the scope of practice of a mental health therapist in a secure facility in the