

1                   **MENTAL HEALTH TREATMENT ACCESS AMENDMENTS**

2   2020 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Steve Eliason**

5                                   Senate Sponsor: Todd Weiler

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7 **LONG TITLE**

8 **Committee Note:**

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

10                   Legislative Vote: 12 voting for 0 voting against 5 absent

11 **General Description:**

12                   This bill modifies and enacts provisions relating to mental health treatment access.

13 **Highlighted Provisions:**

14                   This bill:

- 15                   ▶ defines terms;
- 16                   ▶ requires the Forensic Mental Health Coordinating Council to study and provide
- 17 recommendations to the Legislature regarding the long-term need for adult beds at
- 18 the Utah State Hospital;
- 19                   ▶ requires the Division of Substance Abuse and Mental Health, within the Department
- 20 of Human Services, to:
  - 21                   • set standards for certification of assertive community outreach treatment teams
  - 22 (ACOTTs);
  - 23                   • make rules outlining the responsibilities of ACOTTs;
  - 24                   • award a grant for the development of one ACOTT; and
  - 25                   • implement and manage a housing assistance program for certain individuals
  - 26 released from the Utah State Hospital; and
  - 27                   ▶ makes technical changes.



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **62A-15-605**, as last amended by Laws of Utah 2015, Chapter 403

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 **62A-15-1701**, Utah Code Annotated 1953

39 **62A-15-1702**, Utah Code Annotated 1953

40 **62A-15-1703**, Utah Code Annotated 1953

41 **62A-15-1704**, Utah Code Annotated 1953



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

44 Section 1. Section **62A-15-605** is amended to read:

45 **62A-15-605. Forensic Mental Health Coordinating Council -- Establishment and**  
46 **purpose.**

47 (1) There is established the Forensic Mental Health Coordinating Council composed of  
48 the following members:

49 (a) the director of the Division of Substance Abuse and Mental Health or the director's  
50 appointee;

51 (b) the superintendent of the state hospital or the superintendent's appointee;

52 (c) the executive director of the Department of Corrections or the executive director's  
53 appointee;

54 (d) a member of the Board of Pardons and Parole or its appointee;

55 (e) the attorney general or the attorney general's appointee;

56 (f) the director of the Division of Services for People with Disabilities or the director's  
57 appointee;

58 (g) the director of the Division of Juvenile Justice Services or the director's appointee;

59 (h) the director of the Commission on Criminal and Juvenile Justice or the director's  
60 appointee;

61 (i) the state court administrator or the administrator's appointee;

62 (j) the state juvenile court administrator or the administrator's appointee;

63 (k) a representative from a local mental health authority or an organization, excluding  
64 the state hospital that provides mental health services under contract with the Division of  
65 Substance Abuse and Mental Health or a local mental health authority, as appointed by the  
66 director of the division;

67 (l) the executive director of the Utah Developmental Disabilities Council or the  
68 director's appointee; and

69 (m) other individuals, including individuals from appropriate advocacy organizations  
70 with an interest in the mission described in Subsection (3), as appointed by the members  
71 described in Subsections (1)(a) through (l).

72 (2) A member may not receive compensation or benefits for the member's service, but  
73 may receive per diem and travel expenses in accordance with:

74 (a) Section 63A-3-106;

75 (b) Section 63A-3-107; and

76 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
77 63A-3-107.

78 (3) The purpose of the Forensic Mental Health Coordinating Council is to:

79 (a) advise the director regarding the state hospital admissions policy for individuals in  
80 the custody of the Department of Corrections;

81 (b) develop policies for coordination between the division and the Department of  
82 Corrections;

83 (c) advise the executive director of the Department of Corrections regarding  
84 department policy related to the care of individuals in the custody of the Department of  
85 Corrections who are mentally ill;

86 (d) promote communication between and coordination among all agencies dealing with  
87 individuals with an intellectual disability or mental illness who become involved in the civil  
88 commitment system or in the criminal or juvenile justice system;

89 (e) study, evaluate, and recommend changes to laws and procedures relating to

90 individuals with an intellectual disability or mental illness who become involved in the civil  
91 commitment system or in the criminal or juvenile justice system;

92 (f) identify and promote the implementation of specific policies and programs to deal  
93 fairly and efficiently with individuals with an intellectual disability or mental illness who  
94 become involved in the civil commitment system or in the criminal or juvenile justice system;  
95 [~~and~~]

96 (g) promote judicial education relating to individuals with an intellectual disability or  
97 mental illness who become involved in the civil commitment system or in the criminal or  
98 juvenile justice system[~~;~~]; and

99 (h) study the long-term need for adult patient beds at the state hospital, including:

100 (i) the total number of beds currently in use in the adult general psychiatric unit of the  
101 state hospital;

102 (ii) the current bed capacity at the state hospital;

103 (iii) the projected total number of beds needed in the adult general psychiatric unit of  
104 the state hospital over the next three, five, and 10 years based on:

105 (A) the state's current and projected population growth;

106 (B) current access to mental health resources in the community; and

107 (C) any other factors the Forensic Mental Health Coordinating Council finds relevant  
108 to projecting the total number of beds; and

109 (iv) the cost associated with the projected total number of beds described in Subsection

110 (3)(h)(iii).

111 (4) The Forensic Mental Health Coordinating Council shall report the results of the  
112 study described in Subsection (3)(h) and any recommended changes to laws or procedures  
113 based on the results to the Health and Human Services Interim Committee before November 30  
114 of each year.

115 Section 2. Section **62A-15-1701** is enacted to read:

116 **Part 17. Utah Assertive Community Outreach Treatment Team Act**

117 **62A-15-1701. Definitions.**

118 As used in this part:

119 (1) "ACOTT certification" means the certification created in this part for ACOTT  
120 personnel and assertive community outreach treatment.

121 (2) "ACOTT personnel" means a licensed psychiatrist or mental health therapist, or  
122 another individual, as determined by the division, who is part of an ACOTT.

123 (3) "Assertive community outreach treatment team" or "ACOTT" means a mobile team  
124 of medical and mental health professionals that provides assertive community outreach  
125 treatment and, based on the individual circumstances of each case, coordinates with other  
126 medical providers and appropriate community resources.

127 (4) (a) "Assertive community outreach treatment" means mental health services and  
128 on-site intervention that a person renders to an individual with a mental illness.

129 (b) "Assertive community outreach treatment" includes the provision of assessment  
130 and treatment plans, rehabilitation, support services, and referrals to other community  
131 resources.

132 (5) "Mental health therapist" means the same as that term is defined in Section  
133 [58-60-102](#).

134 (6) "Mental illness" means the same as that term is defined in Section [62A-15-602](#).

135 (7) "Psychiatrist" means the same as that term is defined in Section [62A-15-1601](#).

136 Section 3. Section **62A-15-1702** is enacted to read:

137 **62A-15-1702. Department and division duties -- ACOTT license creation.**

138 (1) To promote the availability of assertive community outreach treatment, the division  
139 shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
140 Act, that create a certificate for ACOTT personnel and ACOTTs, that includes:

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

142 (b) guidelines for:

143 (i) required training and experience of ACOTT personnel; and

144 (ii) the coordination of assertive community outreach treatment and other community  
145 resources.

146 (2) (a) The division shall:

147 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
148 make rules that establish standards that an applicant is required to meet to qualify for the  
149 ACOTT certification described in Subsection (1); and

150 (ii) create a statewide ACOTT plan that:

151 (A) identifies statewide assertive community outreach treatment needs, objectives, and

152 priorities; and

153 (B) identifies the equipment, facilities, personnel training, and other resources  
154 necessary to provide assertive community outreach treatment.

155 (b) The division may delegate the ACOTT plan requirement described in Subsection  
156 (2)(a)(ii) to a contractor with whom the division contracts to provide assertive community  
157 outreach treatment.

158 Section 4. Section **62A-15-1703** is enacted to read:

159 **62A-15-1703. Grants for development of an ACOTT.**

160 (1) The division shall award grants for the development of one ACOTT to provide  
161 assertive community outreach treatment to individuals in the state.

162 (2) The division shall prioritize the award of a grant described in Subsection (1) to  
163 entities, based on:

164 (a) the number of individuals the proposed ACOTT will serve; and

165 (b) the percentage of matching funds the entity will provide to develop the proposed  
166 ACOTT.

167 (3) An entity does not need to have resources already in place to be awarded a grant  
168 described in Subsection (1).

169 (4) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
170 Administrative Rulemaking Act, for the application and award of the grants described in  
171 Subsection (1).

172 Section 5. Section **62A-15-1704** is enacted to read:

173 **62A-15-1704. Housing assistance program for individuals discharged from the**  
174 **Utah State Hospital and receiving assertive community outreach treatment.**

175 (1) (a) The division shall, within funds appropriated by the Legislature for this purpose,  
176 implement and manage the operation of a housing assistance program in consultation with the  
177 Utah State Hospital, established in Section [62A-15-601](#), and one or more housing authorities,  
178 associations of governments, or nonprofit entities.

179 (b) The housing assistance program shall provide the housing assistance described in  
180 Subsection (1)(c) to individuals:

181 (i) who are discharged from the Utah State Hospital; and

182 (ii) who the division determines would benefit from assertive community outreach

183 treatment.

184 (c) The housing assistance provided under the housing assistance program may  
185 include:

186 (i) subsidizing rent payments for housing;

187 (ii) subsidizing the provision of temporary or transitional housing; or

188 (iii) providing money for one-time housing barrier assistance, including rental housing  
189 application fees, utility hookup fees, or rental housing security deposits.

190 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
191 Administrative Rulemaking Act, to establish procedures for the operation of the housing  
192 assistance program described in Subsection (1).

193 (3) The division shall report to the Health and Human Services Interim Committee  
194 each year before November 30 regarding:

195 (a) the entities the division consulted with under Subsection (1)(a);

196 (b) the number of individuals who are benefitting from the housing assistance program  
197 described in Subsection (1);

198 (c) the type of housing assistance provided under the housing assistance program  
199 described in Subsection (1);

200 (d) the average monthly dollar amount provided to individuals under the housing  
201 assistance program described in Subsection (1); and

202 (e) recommendations regarding improvements or changes to the housing assistance  
203 program described in Subsection (1).

204 Section 6. Section **63I-1-262** is amended to read:

205 **63I-1-262. Repeal dates, Title 62A.**

206 (1) Subsections **62A-1-120(8)(g)**, (h), and (i) relating to completion of premarital  
207 counseling or education under Section **30-1-34** are repealed July 1, 2023.

208 (2) Section **62A-3-209** is repealed July 1, 2023.

209 (3) Section **62A-4a-202.9** is repealed December 31, 2021.

210 (4) Section **62A-4a-213** is repealed July 1, 2024.

211 (5) Section **62A-15-114** is repealed December 31, 2021.

212 (6) Subsections **62A-15-116(1)** and (4), the language that states "In consultation with  
213 the SafeUT and School Safety Commission, established in Section **53B-17-1203**," is repealed

214 January 1, 2023.

215 (7) Subsections [62A-15-605\(3\)\(h\)](#) and (4) relating to the study of long-term needs for  
216 adult beds in the state hospital are repealed July 1, 2022.

217 [~~(7)~~] (8) Subsections [62A-15-1100\(1\)](#) and [62A-15-1101](#)[~~(8)~~](9), in relation to the Utah  
218 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

219 [~~(8)~~] (9) In relation to the Mental Health Crisis Line Commission, on July 1, 2023:

220 (a) Subsections [62A-15-1301\(1\)](#) and [62A-15-1401\(1\)](#) are repealed;

221 (b) Subsection [62A-15-1302\(1\)\(b\)](#), the language that states "and in consultation with  
222 the commission" is repealed;

223 (c) Section [62A-15-1303](#), the language that states "In consultation with the  
224 commission," is repealed; and

225 (d) Subsection [62A-15-1402\(2\)\(a\)](#), the language that states "With recommendations  
226 from the commission," is repealed.