

Representative Steve Eliason proposes the following substitute bill:

MENTAL HEALTH TREATMENT ACCESS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

Cosponsors: Susan Duckworth

Cheryl K. Acton

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Forensic Mental Health Coordinating Council, in consultation with the Utah Substance Use and Mental Health Advisory Council, to study and provide recommendations regarding the long-term need for adult beds at the Utah State Hospital;
- ▶ modifies the membership of the Utah Substance Use and Mental Health Advisory Council;
- ▶ requires the Division of Substance Abuse and Mental Health to:
 - set standards for certification of assertive community treatment teams (ACT teams);
 - make rules outlining the responsibilities of ACT teams;



- 25 • award a grant for the development of one ACT team; and
- 26 • implement and manage a housing assistance program for certain individuals
- 27 released from the Utah State Hospital; and
- 28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 This bill appropriates:

31 ▶ to the Department of Human Services -- Division of Substance Abuse and Mental
32 Health -- Utah State Hospital, as an ongoing appropriation:

- 33 • from the General Fund, \$4,885,500.

34 ▶ to the Department of Human Services -- Division of Substance Abuse and Mental
35 Health -- Utah State Hospital, as a one-time appropriation:

- 36 • from the General Fund, One-time, (\$1,076,900).

37 ▶ to the Department of Human Services -- Division of Substance Abuse and Mental
38 Health -- Community Mental Health Services, as an ongoing appropriation:

- 39 • from the General Fund, \$350,000.

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **62A-15-605**, as last amended by Laws of Utah 2015, Chapter 403

45 **63M-7-301**, as last amended by Laws of Utah 2019, Chapter 246

46 **63I-1-262**, as last amended by Laws of Utah 2019, Chapters 246, 257, 440 and last
47 amended by Coordination Clause, Laws of Utah 2019, Chapter 246

48 ENACTS:

49 **62A-15-1701**, Utah Code Annotated 1953

50 **62A-15-1702**, Utah Code Annotated 1953

51 **62A-15-1703**, Utah Code Annotated 1953

52 **62A-15-1704**, Utah Code Annotated 1953



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

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

56 **62A-15-605. Forensic Mental Health Coordinating Council -- Establishment and**
57 **purpose.**

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

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

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

63 (c) the executive director of the Department of Corrections or the executive director's
64 appointee;

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

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

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

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

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

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

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

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

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

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

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

85 (a) Section [63A-3-106](#);

86 (b) Section [63A-3-107](#); and

- 87 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
88 63A-3-107.
- 89 (3) The purpose of the Forensic Mental Health Coordinating Council is to:
- 90 (a) advise the director regarding the state hospital admissions policy for individuals in
91 the custody of the Department of Corrections;
- 92 (b) develop policies for coordination between the division and the Department of
93 Corrections;
- 94 (c) advise the executive director of the Department of Corrections regarding
95 department policy related to the care of individuals in the custody of the Department of
96 Corrections who are mentally ill;
- 97 (d) promote communication between and coordination among all agencies dealing with
98 individuals with an intellectual disability or mental illness who become involved in the civil
99 commitment system or in the criminal or juvenile justice system;
- 100 (e) study, evaluate, and recommend changes to laws and procedures relating to
101 individuals with an intellectual disability or mental illness who become involved in the civil
102 commitment system or in the criminal or juvenile justice system;
- 103 (f) identify and promote the implementation of specific policies and programs to deal
104 fairly and efficiently with individuals with an intellectual disability or mental illness who
105 become involved in the civil commitment system or in the criminal or juvenile justice system;
106 and
- 107 (g) promote judicial education relating to individuals with an intellectual disability or
108 mental illness who become involved in the civil commitment system or in the criminal or
109 juvenile justice system[-]; and
- 110 (h) study the long-term need for adult patient beds at the state hospital, including:
- 111 (i) the total number of beds currently in use in the adult general psychiatric unit of the
112 state hospital;
- 113 (ii) the current bed capacity at the state hospital;
- 114 (iii) the projected total number of beds needed in the adult general psychiatric unit of
115 the state hospital over the next three, five, and 10 years based on:
- 116 (A) the state's current and projected population growth;
- 117 (B) current access to mental health resources in the community; and

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

120 (iv) the cost associated with the projected total number of beds described in Subsection
121 (3)(h)(iii).

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

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

127 **Part 17. Utah Assertive Community Treatment Act**

128 **62A-15-1701. Definitions.**

129 As used in this part:

130 (1) "ACT team personnel" means a licensed psychiatrist or mental health therapist, or
131 another individual, as determined by the division, who is part of an ACT team.

132 (2) "Assertive community treatment team" or "ACT team" means a mobile team of
133 medical and mental health professionals that provides assertive community outreach treatment
134 and, based on the individual circumstances of each case, coordinates with other medical
135 providers and appropriate community resources.

136 (3) (a) "Assertive community treatment" means mental health services and on-site
137 intervention that a person renders to an individual with a mental illness.

138 (b) "Assertive community treatment" includes the provision of assessment and
139 treatment plans, rehabilitation, support services, and referrals to other community resources.

140 (4) "Mental health therapist" means the same as that term is defined in Section
141 [58-60-102](#).

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

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

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

145 **62A-15-1702. Department and division duties -- ACT team license creation.**

146 (1) To promote the availability of assertive community treatment, the division shall
147 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
148 that create a certificate for ACT team personnel and ACT teams, that includes:

- 149 (a) the standards the division establishes under Subsection (2); and
- 150 (b) guidelines for:
- 151 (i) required training and experience of ACT team personnel; and
- 152 (ii) the coordination of assertive community treatment and other community resources.
- 153 (2) (a) The division shall:
- 154 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 155 make rules that establish standards that an applicant is required to meet to qualify for the
- 156 certifications described in Subsection (1); and
- 157 (ii) create a statewide ACT team plan that:
- 158 (A) identifies statewide assertive community treatment needs, objectives, and
- 159 priorities; and
- 160 (B) identifies the equipment, facilities, personnel training, and other resources
- 161 necessary to provide assertive community treatment.
- 162 (b) The division may delegate the ACT team plan requirement described in Subsection
- 163 (2)(a)(ii) to a contractor with whom the division contracts to provide assertive community
- 164 outreach treatment.

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

166 **62A-15-1703. Grants for development of an ACT team.**

- 167 (1) The division shall award grants for the development of one ACT team to provide
- 168 assertive community treatment to individuals in the state.
- 169 (2) The division shall prioritize the award of a grant described in Subsection (1) to
- 170 entities, based on:
- 171 (a) the number of individuals the proposed ACT team will serve; and
- 172 (b) the percentage of matching funds the entity will provide to develop the proposed
- 173 ACT team.
- 174 (3) An entity does not need to have resources already in place to be awarded a grant
- 175 described in Subsection (1).
- 176 (4) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 177 Administrative Rulemaking Act, for the application and award of the grants described in
- 178 Subsection (1).

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

180 **62A-15-1704. Housing assistance program for individuals discharged from the**
181 **Utah State Hospital and receiving assertive community treatment.**

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

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

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

189 (ii) who the division determines would benefit from assertive community treatment.

190 (c) The housing assistance provided under the housing assistance program may
191 include:

192 (i) subsidizing rent payments for housing;

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

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

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

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

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

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

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

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

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

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

211 **63I-1-262. Repeal dates, Title 62A.**

212 (1) Subsections 62A-1-120(8)(g), (h), and (i) are repealed July 1, 2023.

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

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

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

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

217 (6) Subsections 62A-15-116(1) and (4), the language that states "In consultation with
218 the SafeUT and School Safety Commission, established in Section 53B-17-1203," is repealed
219 January 1, 2023.

220 (7) Subsections 62A-15-603(3)(h) and (4) relating to the study of long-term needs for
221 adult beds in the state hospital are repealed July 1, 2022.

222 [~~7~~] (8) Subsections 62A-15-1100(1) and 62A-15-1101[~~8~~](9), in relation to the Utah
223 Substance Use and Mental Health Advisory Council, are repealed January 1, 2023.

224 [~~8~~] (9) In relation to the Mental Health Crisis Line Commission, on July 1, 2023:

225 (a) Subsections 62A-15-1301(1) and 62A-15-1401(1) are repealed;

226 (b) Subsection 62A-15-1302(1)(b), the language that states "and in consultation with
227 the commission" is repealed;

228 (c) Section 62A-15-1303, the language that states "In consultation with the
229 commission," is repealed; and

230 (d) Subsection 62A-15-1402(2)(a), the language that states "With recommendations
231 from the commission," is repealed.

232 Section 7. Section 63M-7-301 is amended to read:

233 **63M-7-301. Definitions -- Creation of council -- Membership -- Terms.**

234 (1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health
235 Advisory Council created in this section.

236 (b) There is created within the governor's office the Utah Substance Use and Mental
237 Health Advisory Council.

238 (2) The council shall be comprised of the following voting members:

239 (a) the attorney general or the attorney general's designee;

240 (b) [~~an~~] one elected county official appointed by the Utah Association of Counties;

241 (c) the commissioner of public safety or the commissioner's designee;

- 242 (d) the director of the Division of Substance Abuse and Mental Health or the director's
243 designee;
- 244 (e) the state superintendent of public instruction or the superintendent's designee;
- 245 (f) the executive director of the Department of Health or the executive director's
246 designee;
- 247 (g) the executive director of the Commission on Criminal and Juvenile Justice or the
248 executive director's designee;
- 249 (h) the executive director of the Department of Corrections or the executive director's
250 designee;
- 251 (i) the director of the Division of Juvenile Justice Services or the director's designee;
- 252 (j) the director of the Division of Child and Family Services or the director's designee;
- 253 (k) the chair of the Board of Pardons and Parole or the chair's designee;
- 254 (l) the director of the Office of Multicultural Affairs or the director's designee;
- 255 (m) the director of the Division of Indian Affairs or the director's designee;
- 256 (n) the state court administrator or the state court administrator's designee;
- 257 (o) [a] one district court judge who presides over a drug court and who is appointed by
258 the chief justice of the Utah Supreme Court;
- 259 (p) [a] one district court judge who presides over a mental health court and who is
260 appointed by the chief justice of the Utah Supreme Court;
- 261 (q) [a] one juvenile court judge who presides over a drug court and who is appointed
262 by the chief justice of the Utah Supreme Court;
- 263 (r) [a] one prosecutor appointed by the Statewide Association of Prosecutors;
- 264 (s) the chair or co-chair of each committee established by the council;
- 265 (t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under
266 Subsection [62A-15-1101\(2\)](#);
- 267 (u) [a] one representative appointed by the Utah League of Cities and Towns to serve a
268 four-year term;
- 269 (v) the following members appointed by the governor to serve four-year terms:
- 270 (i) one resident of the state who has been personally affected by a substance use or
271 mental health disorder; and
- 272 (ii) one citizen representative; and

273 (w) in addition to the voting members described in Subsections (2)(a) through (v), the
274 following voting members appointed by a majority of the members described in Subsections
275 (2)(a) through (v) to serve four-year terms:

276 (i) one resident of the state who represents a statewide advocacy organization for
277 recovery from substance use disorders;

278 (ii) one resident of the state who represents a statewide advocacy organization for
279 recovery from mental illness;

280 (iii) one resident of the state who represents a statewide advocacy organization for
281 protection of rights of individuals with a disability;

282 [~~(iii)~~] (iv) one resident of the state who represents prevention professionals;

283 [~~(iv)~~] (v) one resident of the state who represents treatment professionals;

284 [~~(v)~~] (vi) one resident of the state who represents the physical health care field;

285 [~~(vi)~~] (vii) one resident of the state who is a criminal defense attorney;

286 [~~(vii)~~] (viii) one resident of the state who is a military servicemember or military
287 veteran under Section [53B-8-102](#);

288 [~~(viii)~~] (ix) one resident of the state who represents local law enforcement agencies;

289 [~~and~~]

290 [~~(ix)~~] (x) one representative of private service providers that serve youth with
291 substance use disorders or mental health disorders[-]; and

292 (xi) one resident of the state who is certified by the Division of Substance Abuse and
293 Mental Health as a peer support specialist as described in Subsection [62A-15-103\(1\)\(h\)](#).

294 (3) An individual other than an individual described in Subsection (2) may not be
295 appointed as a voting member of the council.

296 Section 8. **Appropriation.**

297 The following sums of money are appropriated for the fiscal year beginning July 1,
298 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
299 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
300 Act, the Legislature appropriates the following sums of money from the funds or accounts
301 indicated for the use and support of the government of the state of Utah.

302 ITEM 1

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

