

HB0035S04 compared with HB0035S03

~~text~~ shows text that was in HB0035S03 but was deleted in HB0035S04.

text shows text that was not in HB0035S03 but was inserted into HB0035S04.

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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;

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

Money Appropriated in this Bill:

This bill appropriates:

- ▶ to the Department of Human Services -- Division of Substance Abuse and Mental Health -- Utah State Hospital, as an ongoing appropriation:
 - from the General Fund, \$4,885,500.
- ▶ to the Department of Human Services -- Division of Substance Abuse and Mental Health -- Utah State Hospital, as a one-time appropriation:
 - from the General Fund, One-time, (\$1,076,900).
- ▶ to the Department of Human Services -- Division of Substance Abuse and Mental Health -- Community Mental Health Services, as an ongoing appropriation:
 - from the General Fund, \$350,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

ENACTS:

62A-15-1701, Utah Code Annotated 1953

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62A-15-1702, Utah Code Annotated 1953

62A-15-1703, Utah Code Annotated 1953

62A-15-1704, Utah Code Annotated 1953

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) other individuals, including individuals from appropriate advocacy organizations

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with an interest in the mission described in Subsection (3), as appointed by the members described in Subsections (1)(a) through (l).

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

(a) Section 63A-3-106;

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

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

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

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

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

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

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

(e) study, evaluate, and recommend changes to laws and procedures relating to individuals with an intellectual disability or mental illness who become involved in the civil commitment system or in the criminal or juvenile justice system;

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

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

(h) in consultation with the Utah Substance Abuse Advisory Council created in Section 63M-7-301, study the long-term need for adult patient beds at the state hospital, including:

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

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

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

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

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

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

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

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

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

Part 17. Utah Assertive Community Treatment Act

62A-15-1701. Definitions.

As used in this part:

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

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

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

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

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

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

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

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

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

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

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

(b) guidelines for:

(i) required training and experience of ACT team personnel; and

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

(2) (a) The division shall:

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

(ii) create a statewide ACT team plan that:

(A) identifies statewide assertive community treatment needs, objectives, and priorities; and

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

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

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

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

(1) The division shall award grants for the development of one ACT team to provide assertive community treatment to individuals in the state.

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

(a) the number of individuals the proposed ACT team will serve; and

(b) the percentage of matching funds the entity will provide to develop the proposed

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ACT team.

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

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

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

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

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

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

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

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

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

(i) subsidizing rent payments for housing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health

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Advisory Council created in this section.

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

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

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

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

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

(d) the director of the Division of Substance Abuse and Mental Health or the director's designee;

(e) the state superintendent of public instruction or the superintendent's designee;

(f) the executive director of the Department of Health or the executive director's designee;

(g) the executive director of the Commission on Criminal and Juvenile Justice or the executive director's designee;

(h) the executive director of the Department of Corrections or the executive director's designee;

(i) the director of the Division of Juvenile Justice Services or the director's designee;

(j) the director of the Division of Child and Family Services or the director's designee;

(k) the chair of the Board of Pardons and Parole or the chair's designee;

(l) the director of the Office of Multicultural Affairs or the director's designee;

(m) the director of the Division of Indian Affairs or the director's designee;

(n) the state court administrator or the state court administrator's designee;

(o) [~~a~~] one district court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;

(p) [~~a~~] one district court judge who presides over a mental health court and who is appointed by the chief justice of the Utah Supreme Court;

(q) [~~a~~] one juvenile court judge who presides over a drug court and who is appointed by the chief justice of the Utah Supreme Court;

(r) [~~a~~] one prosecutor appointed by the Statewide Association of Prosecutors;

(s) the chair or co-chair of each committee established by the council;

(t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under

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Subsection 62A-15-1101(2);

(u) ~~[a]~~ one representative appointed by the Utah League of Cities and Towns to serve a four-year term;

(v) the following members appointed by the governor to serve four-year terms:

(i) one resident of the state who has been personally affected by a substance use or mental health disorder; and

(ii) one citizen representative; and

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. **Appropriation.**

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

ITEM 1

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

From General Fund \$4,885,500

From General Fund, One-time (\$1,076,900)

Schedule of Programs:

Utah State Hospital \$3,808,600

The Legislature intends that appropriations provided under this item be used for the establishment and maintenance of 30 adult patient beds at the Utah State Hospital.

ITEM 2

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

From General Fund \$350,000

Schedule of Programs:

Community Mental Health Services \$350,000

The Legislature intends that appropriations provided under this item be used to award grants under Section 62A-15-1703.