

Senator Daniel W. Thatcher proposes the following substitute bill:

988 MENTAL HEALTH CRISIS ASSISTANCE

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill creates the Statewide Behavioral Health Crisis Response Account and the 988 Mutual Health Crisis Assistance Task Force.

Highlighted Provisions:

This bill:

- ▶ creates the Statewide Behavioral Health Crisis Response Account;
- ▶ describes the purposes for which the Statewide Behavioral Health Crisis Response Account may be used;
- ▶ creates the 988 Mental Health Crisis Assistance Task Force;
- ▶ describes the membership and duties of the task force; and
- ▶ repeals the task force upon completion of the task force's duties.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the Legislature - Senate, as a one-time appropriation:
 - from the General Fund, \$1,600;
- ▶ to the Legislature - House of Representatives, as a one-time appropriation:
 - from the General Fund, \$1,600;
- ▶ to the Department of Human Services - Executive Director Operations, as a



26 one-time appropriation:

- 27 • from the General Fund, \$1,440.

28 This bill appropriates in fiscal year 2022:

29 ▶ to the Legislature - Senate, as a one-time appropriation:

- 30 • from the General Fund, \$6,400;

31 ▶ to the Legislature - House of Representatives, as a one-time appropriation:

- 32 • from the General Fund, \$6,400;

33 ▶ to the Department of Human Services - Executive Director Operations, as a

34 one-time appropriation:

- 35 • from the General Fund, \$5,760.

36 **Other Special Clauses:**

37 This bill provides a special effective date.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **63I-2-236**, as last amended by Laws of Utah 2019, Chapter 389

41 ENACTS:

42 **26-18-424**, Utah Code Annotated 1953

43 **36-29-108**, Utah Code Annotated 1953

44 **62A-15-120**, Utah Code Annotated 1953



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

47 Section 1. Section **26-18-424** is enacted to read:

48 **26-18-424. Crisis services -- Reimbursement.**

49 The Department shall submit a waiver or state plan amendment to allow for
50 reimbursement for 988 services provided to an individual who is eligible and enrolled in
51 Medicaid at the time this service is provided.

52 Section 2. Section **36-29-108** is enacted to read:

53 **36-29-108. 988 Mental Health Crisis Assistance Task Force.**

54 (1) As used in this section, "task force" means the 988 Mental Health Crisis Assistance
55 Task Force created in Subsection (2).

56 (2) There is created the 988 Mental Health Crisis Assistance Task Force comprising

57 the following 19 members:

58 (a) two members of the Senate appointed by the president of the Senate;

59 (b) two members of the House of Representatives appointed by the speaker of the
60 House of Representatives;

61 (c) the executive director of the Governor's Office of Management and Budget or the
62 director's designee;

63 (d) the chair of the SafeUT and School Safety Commission;

64 (e) the chair of the Behavioral Health Crisis Response Commission; and

65 (f) the following, jointly appointed by the president of the Senate and the speaker of the
66 House of Representatives:

67 (i) an individual representing the Department of Human Services;

68 (ii) an individual representing the Utah Association of Counties;

69 (iii) an individual representing the Utah League of Cities and Towns;

70 (iv) an individual representing the Utah Chiefs of Police Association or the Utah
71 Sheriff's Association;

72 (v) an individual representing the State Fire Chief's Association;

73 (vi) an individual representing a Utah public safety answering point;

74 (vii) an individual representing the mobile wireless service provider industry;

75 (viii) an individual representing the rural telecommunications providers;

76 (ix) an individual representing voice over Internet protocol and land line providers;

77 (x) an individual from a local mental health authority;

78 (xi) an individual from an urban mental health authority; and

79 (xii) a member of the public.

80 (3) (a) The president of the Senate shall appoint a senator described in Subsection
81 (2)(a) to serve as cochair of the task force.

82 (b) The speaker of the House of Representatives shall appoint a representative
83 described in Subsection (2)(b) to serve as cochair of the task force.

84 (4) (a) A majority of the members of the task force constitute a quorum.

85 (b) The action of a majority of a quorum present constitutes the action of the task force.

86 (5) (a) Salaries and expenses of the members of the task force who are legislators shall
87 be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3,

88 Legislator Compensation.

89 (b) A member of the task force who is not a legislator:

90 (i) may not receive compensation or benefits for the member's service associated with
91 the task force; and

92 (ii) may receive per diem and travel expenses incurred as a member of the task force at
93 the rates established by the Division of Finance in accordance with Sections [63A-3-106](#) and
94 [63A-3-107](#) and rules made by the Division of Finance in accordance with Sections [63A-3-106](#)
95 and [63A-3-107](#).

96 (6) The Department of Human Services shall provide staff support to the task force.

97 (7) The task force shall study and make recommendations regarding:

98 (a) crisis line practices and needs, including:

99 (i) quality and timeliness of service;

100 (ii) service volume projections;

101 (iii) a statewide assessment of crisis line staffing needs, including required
102 certifications; and

103 (iv) a statewide assessment of technology needs;

104 (b) primary duties performed by crisis line workers;

105 (c) coordination or redistribution of secondary duties performed by crisis line workers,
106 including responding to non-emergency calls;

107 (d) establishing a statewide [9-8-8](#) hotline:

108 (i) in accordance with federal law;

109 (ii) that ensure the efficient and effective routing of calls to an appropriate crisis center;

110 and

111 (iii) that includes directly responding to calls with trained personnel and the provision
112 of acute mental health, crisis outreach and stabilization services;

113 (e) opportunities to increase operational and technological efficiencies and
114 effectiveness between [9-8-8](#) and [9-1-1](#), utilizing current technology;

115 (f) needs for interoperability partnerships and policies related to 911 call transfers and
116 public safety responses;

117 (g) standards for statewide mobile crisis outreach teams, including:

118 (i) current models and projected needs;

- 119 (ii) quality and timeliness of service;
- 120 (iii) hospital and jail diversions; and
- 121 (iv) staffing and certification;
- 122 (h) resource centers, including:
- 123 (i) current models and projected needs; and
- 124 (ii) quality and timeliness of service;
- 125 (i) policy considerations related to whether the state should:
- 126 (i) manage, operate, and pay for a complete behavioral health system; or
- 127 (ii) create partnerships with private industry; and
- 128 (j) sustainable funding source alternatives, including:
- 129 (i) charging a 9-8-8 fee, including a recommendation on the fee amount;
- 130 (ii) General Fund appropriations;
- 131 (iii) other government funding options;
- 132 (iv) private funding sources;
- 133 (v) grants;
- 134 (vi) insurance partnerships, including coverage for support and treatment after initial
- 135 call and triage; and
- 136 (vii) other funding resources.
- 137 (8) The task force shall:
- 138 (a) before December 31, 2021, present an initial report on the items described in
- 139 Subsection (7), including any proposed legislation, to the Executive Appropriations
- 140 Committee; and
- 141 (b) before December 31, 2022, present final report on the items described in
- 142 Subsection (7), including any proposed legislation, to the Executive Appropriations
- 143 Committee.
- 144 Section 3. Section **62A-15-120** is enacted to read:
- 145 **62A-15-120. Statewide Behavioral Health Crisis Response Account -- Creation --**
- 146 **Administration -- Permitted uses.**
- 147 (1) There is created a restricted account within the General Fund known as the
- 148 "Statewide Behavioral Health Crisis Response Account," consisting of:
- 149 (a) money appropriated or otherwise made available by the Legislature; and

150 (b) contributions of money, property, or equipment from federal agencies, political
151 subdivisions of the state, or other persons.

152 (2) (a) Subject to appropriations by the Legislature, the division shall disburse funds in
153 the account only for the purpose of support or implementation of services or enhancements of
154 those services in order to rapidly, efficiently, effectively, and with greater interoperability
155 deliver 988 services in the state.

156 (b) Funds distributed from the account to county local mental health and substance
157 abuse authorities for the provision of crisis services are not subject to the 20% county match
158 described in Sections [17-43-201](#) and [17-43-301](#).

159 (c) The division shall prioritize expending funds from the account as follows:

160 (i) the Statewide Mental Health Crisis Line, as defined in Section [62A-15-1301](#),
161 including coordination with 911 emergency service, as defined in Section [69-2-102](#), and
162 coordination with local substance abuse authorities as described in Section [17-43-201](#), and
163 local mental health authorities, described in Section [17-43-301](#);

164 (ii) mitigation of any negative impacts on 911 emergency service from 988 services;

165 (iii) mobile crisis outreach teams as defined in Section [62A-15-1401](#), distributed in
166 accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah
167 Administrative Rulemaking Act;

168 (iv) behavioral health receiving centers as defined in Section [62A-15-118](#);

169 (v) stabilization services as described in Section [62A-1-104](#); and

170 (vi) mental health crisis services provided by local substance abuse authorities as
171 described in Section [17-43-201](#) and local mental health authorities described in Section
172 [17-43-301](#) to provide prolonged mental health services for up to 90 days after the day on which
173 an individual experiences a mental health crisis.

174 (3) Subject to appropriations by the Legislature, the division may expend funds in the
175 account for administrative costs that the division incurs related to administering the account.

176 (4) The division director shall submit and make available to the public a report before
177 December of each year to the Behavioral Health Crisis Response Commission as defined in
178 Section [63C-18-202](#), the Social Services Appropriations Subcommittee, and the Legislative
179 Management Committee that includes:

180 (a) the amount of each disbursement from the restricted account described in Section

181 [62A-15-120](#);

182 (b) the recipient of each disbursement, the goods and services received, and a
183 description of the project funded by the disbursement;

184 (c) any conditions placed by the division on the disbursements from the restricted
185 account;

186 (d) the anticipated expenditures from the restricted account described in this chapter
187 for the next fiscal year;

188 (e) the amount of any unexpended funds carried forward;

189 (f) the number of Statewide Mental Health Crisis Line calls received;

190 (g) the progress towards accomplishing the goals of providing statewide mental health
191 crisis service; and

192 (h) other relevant justification for ongoing support from the restricted account.

193 Section 4. Section **63I-2-236** is amended to read:

194 **63I-2-236. Repeal dates -- Title 36.**

195 [~~Section [36-29-105](#) is repealed on December 31, 2020.~~]

196 Section [36-29-108](#) is repealed on December 31, 2022.

197 Section 5. **Appropriation.**

198 The following sums of money are appropriated for the fiscal year beginning July 1,
199 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
200 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
201 Act, the Legislature appropriates the following sums of money from the funds or accounts
202 indicated for the use and support of the government of the state of Utah.

203 ITEM 1

204 To Legislature - Senate

205 From General Fund, One-time \$1,600

206 Schedule of Programs:

207 Administration \$1,600

208 ITEM 2

209 To Legislature - House of Representatives

210 From General Fund, One-time \$1,600

211 Schedule of Programs:

| | | |
|-----|---|----------------|
| 212 | <u>Administration</u> | <u>\$1,600</u> |
| 213 | <u>ITEM 3</u> | |
| 214 | <u>To Department of Human Services - Executive Director Operations</u> | |
| 215 | <u>From General Fund, One-time</u> | <u>\$1,440</u> |
| 216 | <u>Schedule of Programs:</u> | |
| 217 | <u>Executive Director's Office</u> | <u>\$1,440</u> |
| 218 | <u>(1) The Legislature intends that the above appropriations be used for expenses relating</u> | |
| 219 | <u>to the 988 Mental Health Crisis Assistance Task Force created in Section 36-29-108.</u> | |
| 220 | <u>(2) Under Section 63J-1-603, the Legislature intends that the above appropriations not</u> | |
| 221 | <u>lapse at the close of fiscal year 2021. The use of any nonlapsing funds is limited to the purpose</u> | |
| 222 | <u>described in Subsection (1).</u> | |
| 223 | <u>The following sums of money are appropriated for the fiscal year beginning July 1,</u> | |
| 224 | <u>2021, and ending June 30, 2022. These are additions to amounts previously appropriated for</u> | |
| 225 | <u>fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures</u> | |
| 226 | <u>Act, the Legislature appropriates the following sums of money from the funds or accounts</u> | |
| 227 | <u>indicated for the use and support of the government of the state of Utah.</u> | |
| 228 | <u>ITEM 1</u> | |
| 229 | <u>To Legislature - Senate</u> | |
| 230 | <u>From General Fund, One-time</u> | <u>\$6,400</u> |
| 231 | <u>Schedule of Programs:</u> | |
| 232 | <u>Administration</u> | <u>\$6,400</u> |
| 233 | <u>ITEM 2</u> | |
| 234 | <u>To Legislature - House of Representatives</u> | |
| 235 | <u>From General Fund, One-time</u> | <u>\$6,400</u> |
| 236 | <u>Schedule of Programs:</u> | |
| 237 | <u>Administration</u> | <u>\$6,400</u> |
| 238 | <u>ITEM 3</u> | |
| 239 | <u>To Department of Human Services - Executive Director Operations</u> | |
| 240 | <u>From General Fund, One-time</u> | <u>\$5,760</u> |
| 241 | <u>Schedule of Programs:</u> | |
| 242 | <u>Executive Director's Office</u> | <u>\$5,760</u> |

243 (1) The Legislature intends that the above appropriations be used for expenses relating
244 to the 988 Mental Health Crisis Assistance Task Force created in Section [36-29-108](#).

245 (2) Under Section [63J-1-603](#), the Legislature intends that the above appropriations not
246 lapse at the close of fiscal year 2022. The use of any nonlapsing funds is limited to the purpose
247 described in Subsection (1).

248 Section 6. **Effective date.**

249 If approved by two-thirds of all the members elected to each house, this bill takes effect
250 upon approval by the governor, or the day following the constitutional time limit of Utah
251 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
252 the date of veto override.