

SB0155S02 compared with SB0155S01

~~{deleted text}~~ shows text that was in SB0155S01 but was deleted in SB0155S02.

inserted text shows text that was not in SB0155S01 but was inserted into SB0155S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 amends provisions related to the ~~{988 Mutual}~~ membership and duties of the Behavioral Health Crisis ~~{Assistance Task Force}~~ Response Commission.

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}~~ amends the ~~{988 Mental}~~ membership of the Behavioral Health Crisis ~~{Assistance Task Force}~~;

~~→ describes the membership and duties of the task force; and~~

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- repeals the task force upon completion of the task force's duties} Response Commission; and
- ▶ amends the duties of the Behavioral Health Crisis Response Commission.

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}~~ Attorney General - ~~{Executive Director Operations}~~ Attorney General, as a one-time appropriation:
 - from the General Fund, \$1, ~~{440}~~ 000.

This bill appropriates in fiscal year 2022:

- ▶ to the Legislature - Senate, as a one-time appropriation:
 - from the General Fund, \$6,400;
- ▶ to the Legislature - House of Representatives, as a one-time appropriation:
 - from the General Fund, \$6,400;
- ▶ to the ~~{Department of Human Services}~~ Attorney General - ~~{Executive Director Operations}~~ Attorney General, as a one-time appropriation:
 - from the General Fund, ~~{5}~~ \$3, ~~{760}~~ 000.

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

~~{63I-2-236}~~ 63C-18-202, as last amended by Laws of Utah ~~{2019, Chapter 389}~~
~~{2020, Chapter 303}~~

63C-18-203, as last amended by Laws of Utah 2020, Chapter 303

ENACTS:

26-18-424, Utah Code Annotated 1953

~~{~~ ~~36-29-108~~, Utah Code Annotated 1953

~~}~~ 62A-15-120, Utah Code Annotated 1953

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

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

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

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

Section 2. Section ~~{36-29-108}~~62A-15-120 is enacted to read:

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

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

~~———— (2) There is created the 988 Mental Health Crisis Assistance Task Force comprising the following 19 members:~~

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

~~———— (b) two members of the House of Representatives appointed by the speaker of the House of Representatives;~~

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

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

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

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

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

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

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

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

~~———— (v) an individual representing the State Fire Chiefs Association;~~

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

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

~~———— (viii) an individual representing the rural telecommunications providers;~~

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

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

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

~~— (xii) a member of the public.~~

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

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

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

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

~~— (5) (a) Salaries and expenses of the members of the task force who are legislators shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.~~

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

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

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

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

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

~~— (a) crisis line practices and needs, including:~~

~~— (i) quality and timeliness of service;~~

~~— (ii) service volume projections;~~

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

~~— (iv) a statewide assessment of technology needs;~~

~~— (b) primary duties performed by crisis line workers;~~

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

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- ~~—— (d) establishing a statewide 9-8-8 hotline;~~
- ~~—— (i) in accordance with federal law;~~
- ~~—— (ii) that ensure the efficient and effective routing of calls to an appropriate crisis center;~~
- ~~and~~
- ~~—— (iii) that includes directly responding to calls with trained personnel and the provision of acute mental health, crisis outreach and stabilization services;~~
- ~~—— (e) opportunities to increase operational and technological efficiencies and effectiveness between 9-8-8 and 9-1-1, utilizing current technology;~~
- ~~—— (f) needs for interoperability partnerships and policies related to 911 call transfers and public safety responses;~~
- ~~—— (g) standards for statewide mobile crisis outreach teams, including:~~
 - ~~—— (i) current models and projected needs;~~
 - ~~—— (ii) quality and timeliness of service;~~
 - ~~—— (iii) hospital and jail diversions; and~~
 - ~~—— (iv) staffing and certification;~~
- ~~—— (h) resource centers, including:~~
 - ~~—— (i) current models and projected needs; and~~
 - ~~—— (ii) quality and timeliness of service;~~
- ~~—— (i) policy considerations related to whether the state should:~~
 - ~~—— (i) manage, operate, and pay for a complete behavioral health system; or~~
 - ~~—— (ii) create partnerships with private industry; and~~
- ~~—— (j) sustainable funding source alternatives, including:~~
 - ~~—— (i) charging a 9-8-8 fee, including a recommendation on the fee amount;~~
 - ~~—— (ii) General Fund appropriations;~~
 - ~~—— (iii) other government funding options;~~
 - ~~—— (iv) private funding sources;~~
 - ~~—— (v) grants;~~
 - ~~—— (vi) insurance partnerships, including coverage for support and treatment after initial call and triage; and~~
 - ~~—— (vii) other funding resources;~~
- ~~—— (8) The task force shall:~~

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~~— (a) before December 31, 2021, present an initial report on the items described in Subsection (7), including any proposed legislation, to the Executive Appropriations Committee; and~~

~~— (b) before December 31, 2022, present final report on the items described in Subsection (7), including any proposed legislation, to the Executive Appropriations Committee.~~

~~— Section 3. Section 62A-15-120 is enacted to read:~~

‡ **62A-15-120. Statewide Behavioral Health Crisis Response Account -- Creation -- Administration -- Permitted uses.**

(1) There is created a restricted account within the General Fund known as the "Statewide Behavioral Health Crisis Response Account," consisting of:

(a) money appropriated or otherwise made available by the Legislature; and
(b) contributions of money, property, or equipment from federal agencies, political subdivisions of the state, or other persons.

(2) (a) Subject to appropriations by the Legislature and any contributions to the account described in Subsection (1)(b), the division shall disburse funds in the account only for the purpose of support or implementation of services or enhancements of those services in order to rapidly, efficiently, and effectively~~‡, and with greater interoperability‡~~ deliver 988 services in the state.

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

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

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

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

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

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(iv) behavioral health receiving centers as defined in Section 62A-15-118;
(v) stabilization services as described in Section 62A-1-104; and
(vi) mental health crisis services provided by local substance abuse authorities as described in Section 17-43-201 and local mental health authorities described in Section 17-43-301 to provide prolonged mental health services for up to 90 days after the day on which an individual experiences a mental health crisis.

(3) Subject to appropriations by the Legislature and any contributions to the account described in Subsection (1)(b), the division may expend funds in the account for administrative costs that the division incurs related to administering the account.

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

(a) the amount of each disbursement from the restricted account described in Section 62A-15-120;

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

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

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

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

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

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

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

Section 3. Section 63C-18-202 is amended to read:

63C-18-202. Commission established -- Members.

(1) There is created the Behavioral Health Crisis Response Commission, composed of the following ~~16~~ 25 members:

(a) the executive director of the University Neuropsychiatric Institute;

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- (b) the governor or the governor's designee;
- (c) the director of the Division of Substance Abuse and Mental Health;
- (d) one representative of the Office of the Attorney General, appointed by the attorney general;
- (e) one member of the public, appointed by the chair of the commission and approved by the commission;
- (f) two individuals who are mental or behavioral health clinicians licensed to practice in the state, appointed by the chair of the commission and approved by the commission, at least one of whom is an individual who:
 - (i) is licensed as a physician under:
 - (A) Title 58, Chapter 67, Utah Medical Practice Act;
 - (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or
 - (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and
 - (ii) is board eligible for a psychiatry specialization recognized by the American Board of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists;
- (g) one individual who represents a county of the first or second class, appointed by the Utah Association of Counties;
- (h) one individual who represents a county of the third, fourth, or fifth class, appointed by the Utah Association of Counties;
- (i) one individual who represents the Utah Hospital Association, appointed by the chair of the commission;
- (j) one individual who represents law enforcement, appointed by the chair of the commission;
- (k) one individual who has lived with a mental health disorder, appointed by the chair of the commission;
- (l) one individual who represents an integrated health care system that:
 - (i) is not affiliated with the chair of the commission; and
 - (ii) provides inpatient behavioral health services and emergency room services to individuals in the state;
- (m) one individual who represents an accountable care organization, as defined in

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Section 26-18-423, with a statewide membership base;

(n) ~~one member~~ three members of the House of Representatives, appointed by the speaker of the House of Representatives, no more than two of whom may be from the same political party; ~~and~~

(o) ~~one member~~ three members of the Senate, appointed by the president of the Senate;

~~(2)~~ [-], no more than two of whom may be from the same political party.

(p) one individual who represents 911 call centers and public safety answering points;

(q) one individual who represents Emergency Medical Services;

(r) one individual who represents the mobile wireless service provider industry;

(s) one individual who represents rural telecommunications providers; and

(t) one individual who represents voice over internet protocol and land line providers;

(2) On December 31, 2022:

(a) the number of members described in Subsection (1)(n) and the number of members described in Subsection (1)(o) is reduced to one, with no restriction relating to party membership; and

(b) the members described in Subsections (1)(p) through (t) are removed from the commission.

~~(2)~~ (3) (a) The executive director of the University Neuropsychiatric Institute is the chair of the commission.

(b) The chair of the commission shall appoint a member of the commission to serve as the vice chair of the commission, with the approval of the commission.

(c) The chair of the commission shall set the agenda for each commission meeting.

~~(3)~~ (4) (a) A majority of the members of the commission constitutes a quorum.

(b) The action of a majority of a quorum constitutes the action of the commission.

~~(4)~~ (5) (a) Except as provided in Subsection ~~(4)~~ (5)(b), a member may not receive compensation, benefits, per diem, or travel expenses for the member's service on the commission.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

~~(5)~~ (6) The Office of the Attorney General shall provide staff support to the

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commission.

Section 4. Section 63C-18-203 is amended to read:

63C-18-203. Commission duties -- Reporting requirements.

(1) The commission shall:

(a) identify a method to integrate existing local mental health crisis lines to ensure each individual who accesses a local mental health crisis line is connected to a qualified mental or behavioral health professional, regardless of the time, date, or number of individuals trying to simultaneously access the local mental health crisis line;

(b) study how to establish and implement a statewide mental health crisis line and a statewide warm line, including identifying:

(i) a statewide phone number or other means for an individual to easily access the statewide mental health crisis line, including a short code for text messaging and a three-digit number for calls;

(ii) a statewide phone number or other means for an individual to easily access the statewide warm line, including a short code for text messaging and a three-digit number for calls;

(iii) a supply of:

(A) qualified mental or behavioral health professionals to staff the statewide mental health crisis line; and

(B) qualified mental or behavioral health professionals or certified peer support specialists to staff the statewide warm line; and

(iv) a funding mechanism to operate and maintain the statewide mental health crisis line and the statewide warm line;

(c) coordinate with local mental health authorities in fulfilling the commission's duties described in Subsections (1)(a) and (b); and

(d) recommend standards for the certifications described in Section 62A-15-1302.

(2) In preparation for the implementation of the statewide 9-8-8 hotline, the commission shall study and make recommendations regarding:

(a) crisis line practices and needs, including:

(i) quality and timeliness of service;

(ii) service volume projections;

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- (iii) a statewide assessment of crisis line staffing needs, including required certifications; and
- (iv) a statewide assessment of technology needs;
- (b) primary duties performed by crisis line workers;
- (c) coordination or redistribution of secondary duties performed by crisis line workers, including responding to non-emergency calls;
- (d) establishing a statewide 9-8-8 hotline;
- (i) in accordance with federal law;
- (ii) that ensures the efficient and effective routing of calls to an appropriate crisis center; and
- (iii) that includes directly responding to calls with trained personnel and the provision of acute mental health, crisis outreach, and stabilization services;
- (e) opportunities to increase operational and technological efficiencies and effectiveness between 9-8-8 and 9-1-1, utilizing current technology;
- (f) needs for interoperability partnerships and policies related to 911 call transfers and public safety responses;
- (g) standards for statewide mobile crisis outreach teams, including:
 - (i) current models and projected needs;
 - (ii) quality and timeliness of service;
 - (iii) hospital and jail diversions; and
 - (iv) staffing and certification;
 - (h) resource centers, including:
 - (i) current models and projected needs; and
 - (ii) quality and timeliness of service;
 - (i) policy considerations related to whether the state should:
 - (i) manage, operate, and pay for a complete behavioral health system; or
 - (ii) create partnerships with private industry; and
 - (j) sustainable funding source alternatives, including:
 - (i) charging a 9-8-8 fee, including a recommendation on the fee amount;
 - (ii) General Fund appropriations;
 - (iii) other government funding options;

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(iv) private funding sources;

(v) grants;

(vi) insurance partnerships, including coverage for support and treatment after initial call and triage; and

(vii) other funding resources.

(3) The commission shall:

(a) before December 31, 2021, present an initial report on the matters described in Subsection (2), including any proposed legislation, to the Executive Appropriations Committee; and

(b) before December 31, 2022, present a final report on the items described in Subsection (2), including any proposed legislation, to the Executive Appropriations Committee.

(4) The duties described in Subsection (2) are removed on December 31, 2022.

~~[(2)]~~ (5) The commission may conduct other business related to the commission's duties described in ~~[Subsection (1)]~~ this section.

~~[(3)]~~ (6) The commission shall consult with the Division of Substance Abuse and Mental Health regarding the standards and operation of the statewide mental health crisis line and the statewide warm line, in accordance with Title 62A, Chapter 15, Part 13, Statewide Mental Health Crisis Line and Statewide Warm Line.

~~{~~ ~~Section 4. Section ~~63I-2-236~~ is amended to read:~~

~~Section ~~63I-2-236~~. Repeal dates -- Title 36.~~

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

~~Section ~~36-29-108~~ is repealed on December 31, 2022.~~

~~‡~~ Section 5. **Appropriation.**

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 Legislature - Senate

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

Schedule of Programs:

Administration \$1,600

ITEM 2

To Legislature - House of Representatives

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

Schedule of Programs:

Administration \$1,600

ITEM 3

To ~~{Department of Human Services}~~ Attorney General - ~~{Executive Director Operations}~~ Attorney General

From General Fund, One-time \$1,~~{440}~~000

Schedule of Programs:

~~{~~ Executive Director's Office \$1,440

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

~~_____ (2) Under Section 63J-1-603, the Legislature intends that the above appropriations not lapse at the close of fiscal year 2021. The use of any nonlapsing funds is limited to the purpose described in Subsection (1).~~

~~_____ The following sums of money are appropriated for the fiscal year beginning July 1, 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for fiscal year 2022. 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 Legislature - Senate

From General Fund, One-time \$~~6,400~~

~~_____~~ Schedule of Programs:

~~{~~ Administration ~~{~~\$6,400

ITEM 2

~~_____~~ To Legislature - House of Representatives

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<u>From General Fund, One-time</u>	<u>\$6,400</u>
<u>Schedule of Programs:</u>	
<u>Administration</u>	<u>\$6,400</u>

ITEM 3

<u>To Department of Human Services - Executive Director Operations</u>	
<u>From General Fund, One-time</u>	<u>\$5,760</u>
<u>Schedule of Programs:</u>	
<u>Executive Director's Office</u>	<u>\$5,760</u>

†\$1,000

(1) The Legislature intends that the above appropriations be used for expenses relating to the ~~{988 Mental}~~ Behavioral Health Crisis ~~{Assistance Task Force created}~~ Response Commission described in Section ~~{36-29-108}~~ 63C-18-202.

(2) Under Section 63J-1-603, the Legislature intends that the above appropriations not lapse at the close of fiscal year ~~{2022}~~ 2021. The use of any nonlapsing funds is limited to the purpose described in Subsection (1).

The following sums of money are appropriated for the fiscal year beginning July 1, 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for fiscal year 2022. 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 Legislature - Senate

<u>From General Fund, One-time</u>	<u>\$6,400</u>
<u>Schedule of Programs:</u>	
<u>Administration</u>	<u>\$6,400</u>

ITEM 2

To Legislature - House of Representatives

<u>From General Fund, One-time</u>	<u>\$6,400</u>
<u>Schedule of Programs:</u>	
<u>Administration</u>	<u>\$6,400</u>

ITEM 3

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To Attorney General - Attorney General

From General Fund, One-time \$3,000

Schedule of Programs:

Administration \$3,000

(1) The Legislature intends that the above appropriations be used for expenses relating to the Behavioral Health Crisis Response Commission described in Section 63C-18-202..

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

Section 6. **Effective date.**

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