

Representative Steve Eliason 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 membership and duties of the Behavioral Health Crisis 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;
- ▶ amends the membership of the Behavioral Health Crisis 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 Attorney General - Attorney General, as a one-time appropriation:



- 26 • from the General Fund, \$1,000;
- 27 ▶ to Department of Human Services - Division of Substance Abuse and Mental
- 28 Health, as a one-time appropriation:
- 29 • from the General Fund, \$2,451,800; and
- 30 ▶ to University of Utah - School of Medicine, as a one-time appropriation:
- 31 • from Education Fund, (\$600,000).

32 This bill appropriates in fiscal year 2022:

- 33 ▶ to the Legislature - Senate, as a one-time appropriation:
- 34 • from the General Fund, \$6,400;
- 35 ▶ to the Legislature - House of Representatives, as a one-time appropriation:
- 36 • from the General Fund, \$6,400;
- 37 ▶ to the Attorney General - Attorney General, as a one-time appropriation:
- 38 • from the General Fund, \$3,000; and
- 39 ▶ to Department of Human Services - Division of Substance Abuse and Mental
- 40 Health, as an ongoing appropriation:
- 41 • from the General Fund, \$1,851,800.

42 **Other Special Clauses:**

43 This bill provides a special effective date.

44 **Utah Code Sections Affected:**

45 AMENDS:

46 **63C-18-202**, as last amended by Laws of Utah 2020, Chapter 303

47 **63C-18-203**, as last amended by Laws of Utah 2020, Chapter 303

48 ENACTS:

49 **26-18-424**, Utah Code Annotated 1953

50 **62A-15-120**, Utah Code Annotated 1953



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

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

54 **26-18-424. Crisis services -- Reimbursement.**

55 The Department shall submit a waiver or state plan amendment to allow for
56 reimbursement for 988 services provided to an individual who is eligible and enrolled in

57 Medicaid at the time this service is provided.

58 Section 2. Section **62A-15-120** is enacted to read:

59 **62A-15-120. Statewide Behavioral Health Crisis Response Account -- Creation --**
60 **Administration -- Permitted uses.**

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

63 (a) money appropriated or otherwise made available by the Legislature; and

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

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

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

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

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

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

79 (iii) mobile crisis outreach teams as defined in Section [62A-15-1401](#), distributed in
80 accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah

81 Administrative Rulemaking Act;

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

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

84 (vi) mental health crisis services provided by local substance abuse authorities as
85 described in Section [17-43-201](#) and local mental health authorities described in Section
86 [17-43-301](#) to provide prolonged mental health services for up to 90 days after the day on which
87 an individual experiences a mental health crisis.

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

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

95 (a) the amount of each disbursement from the restricted account described in Section
96 62A-15-120;

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

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

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

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

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

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

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

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

109 **63C-18-202. Commission established -- Members.**

110 (1) There is created the Behavioral Health Crisis Response Commission, composed of
111 the following [16] members:

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

113 (b) the governor or the governor's designee;

114 (c) the director of the Division of Substance Abuse and Mental Health;

115 (d) one representative of the Office of the Attorney General, appointed by the attorney
116 general;

117 (e) one member of the public, appointed by the chair of the commission and approved
118 by the commission;

119 (f) two individuals who are mental or behavioral health clinicians licensed to practice
120 in the state, appointed by the chair of the commission and approved by the commission, at least
121 one of whom is an individual who:

122 (i) is licensed as a physician under:

123 (A) Title 58, Chapter 67, Utah Medical Practice Act;

124 (B) Title 58, Chapter 67b, Interstate Medical Licensure Compact; or

125 (C) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

126 (ii) is board eligible for a psychiatry specialization recognized by the American Board
127 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
128 Specialists;

129 (g) one individual who represents a county of the first or second class, appointed by the
130 Utah Association of Counties;

131 (h) one individual who represents a county of the third, fourth, or fifth class, appointed
132 by the Utah Association of Counties;

133 (i) one individual who represents the Utah Hospital Association, appointed by the chair
134 of the commission;

135 (j) one individual who represents law enforcement, appointed by the chair of the
136 commission;

137 (k) one individual who has lived with a mental health disorder, appointed by the chair
138 of the commission;

139 (l) one individual who represents an integrated health care system that:

140 (i) is not affiliated with the chair of the commission; and

141 (ii) provides inpatient behavioral health services and emergency room services to
142 individuals in the state;

143 (m) one individual who represents an accountable care organization, as defined in
144 Section [26-18-423](#), with a statewide membership base;

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

148 (o) [~~one member~~] three members of the Senate, appointed by the president of the
149 Senate[~~-~~], no more than two of whom may be from the same political party;

150 (p) one individual who represents 911 call centers and public safety answering points,
151 appointed by the chair of the commission;

152 (q) one individual who represents Emergency Medical Services, appointed by the chair
153 of the commission;

154 (r) one individual who represents the mobile wireless service provider industry,
155 appointed by the chair of the commission;

156 (s) one individual who represents rural telecommunications providers, appointed by the
157 chair of the commission;

158 (t) one individual who represents voice over internet protocol and land line providers,
159 appointed by the chair of the commission; and

160 (u) one individual who represents the Utah League of Cities and Towns, appointed by
161 the chair of the commission.

162 (2) On December 31, 2022:

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

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

168 [~~2~~] (3) (a) The executive director of the University Neuropsychiatric Institute is the
169 chair of the commission.

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

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

173 [~~3~~] (4) (a) A majority of the members of the commission constitutes a quorum.

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

175 [~~4~~] (5) (a) Except as provided in Subsection [~~4~~] (5)(b), a member may not receive
176 compensation, benefits, per diem, or travel expenses for the member's service on the
177 commission.

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

180 [~~5~~] (6) The Office of the Attorney General shall provide staff support to the

181 commission.

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

183 **63C-18-203. Commission duties -- Reporting requirements.**

184 (1) The commission shall:

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

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

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

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

197 (iii) a supply of:

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

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

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

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

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

207 (2) In preparation for the implementation of the statewide [988](#) hotline, the commission
208 shall study and make recommendations regarding:

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

210 (i) quality and timeliness of service;

211 (ii) service volume projections;

- 212 (iii) a statewide assessment of crisis line staffing needs, including required
- 213 certifications; and
- 214 (iv) a statewide assessment of technology needs;
- 215 (b) primary duties performed by crisis line workers;
- 216 (c) coordination or redistribution of secondary duties performed by crisis line workers,
- 217 including responding to non-emergency calls;
- 218 (d) establishing a statewide 988 hotline;
- 219 (i) in accordance with federal law;
- 220 (ii) that ensures the efficient and effective routing of calls to an appropriate crisis
- 221 center; and
- 222 (iii) that includes directly responding to calls with trained personnel and the provision
- 223 of acute mental health, crisis outreach, and stabilization services;
- 224 (e) opportunities to increase operational and technological efficiencies and
- 225 effectiveness between 988 and 911, utilizing current technology;
- 226 (f) needs for interoperability partnerships and policies related to 911 call transfers and
- 227 public safety responses;
- 228 (g) standards for statewide mobile crisis outreach teams, including:
- 229 (i) current models and projected needs;
- 230 (ii) quality and timeliness of service;
- 231 (iii) hospital and jail diversions; and
- 232 (iv) staffing and certification;
- 233 (h) resource centers, including:
- 234 (i) current models and projected needs; and
- 235 (ii) quality and timeliness of service;
- 236 (i) policy considerations related to whether the state should:
- 237 (i) manage, operate, and pay for a complete behavioral health system; or
- 238 (ii) create partnerships with private industry; and
- 239 (j) sustainable funding source alternatives, including:
- 240 (i) charging a 988 fee, including a recommendation on the fee amount;
- 241 (ii) General Fund appropriations;
- 242 (iii) other government funding options;

- 243 (iv) private funding sources;
- 244 (v) grants;
- 245 (vi) insurance partnerships, including coverage for support and treatment after initial
- 246 call and triage; and
- 247 (vii) other funding resources.

248 (3) The commission shall:

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

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

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

256 ~~[(2)]~~ (5) The commission may conduct other business related to the commission's
 257 duties described in [Subsection (1)] this section.

258 ~~[(3)]~~ (6) The commission shall consult with the Division of Substance Abuse and
 259 Mental Health regarding the standards and operation of the statewide mental health crisis line
 260 and the statewide warm line, in accordance with Title 62A, Chapter 15, Part 13, Statewide
 261 Mental Health Crisis Line and Statewide Warm Line.

262 **Section 5. Appropriation.**

263 The following sums of money are appropriated for the fiscal year beginning July 1,
 264 2020 and ending June 30, 2021. These are additions to amounts previously appropriated for
 265 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 266 Act, the Legislature appropriates the following sums of money from the funds or accounts
 267 indicated for the use and support of the government of the state of Utah.

268 ITEM 1 To Legislature - Senate

<u>From General Fund, One-time</u>	<u>\$1,600</u>
------------------------------------	----------------

270 Schedule of Programs:

<u>Administration</u>	<u>\$1,600</u>
-----------------------	----------------

272 ITEM 2 To Legislature - House of Representatives

<u>From General Fund, One-time</u>	<u>\$1,600</u>
------------------------------------	----------------

274	<u>Schedule of Programs:</u>	
275	<u>Administration</u>	<u>\$1,600</u>
276	<u>ITEM 3 To Attorney General - Attorney General</u>	
277	<u>From General Fund, One-time</u>	<u>\$1,000</u>
278	<u>Schedule of Programs:</u>	
279	<u>Administration</u>	<u>\$1,000</u>
280	<u>ITEM 4 To Department of Human Services - Division of Substance Abuse and Mental Health</u>	
281	<u>From General Fund, One-time</u>	<u>\$2,451,800</u>
282	<u>Schedule of Programs:</u>	
283	<u>Community Mental Health Services</u>	<u>\$2,451,800</u>
284	<u>ITEM 5 To University of Utah - School of Medicine</u>	
285	<u>From Education Fund, One-time</u>	<u>(\$600,000)</u>
286	<u>Schedule of Programs:</u>	
287	<u>School of Medicine</u>	<u>(\$600,000)</u>
288	<u>(1) The Legislature intends that appropriations in Items 1, 2, and 3 be used for</u>	
289	<u>expenses relating to the Behavioral Health Crisis Response Commission created in Section</u>	
290	<u>63C-18-202.</u>	
291	<u>(2) The Legislature intends that the appropriations in Item 4 be used for expenses</u>	
292	<u>related to:</u>	
293	<u>(a) the statewide behavioral health crisis line and warm line, described in Title 62A,</u>	
294	<u>Chapter 15, Part 13, Statewide Mental Health Crisis Line and Statewide Warm Line; and</u>	
295	<u>(b) SafeUT, described in Title 53B, Chapter 17, Part 12, SafeUT Crisis Line.</u>	
296	<u>(3) Under Section 63J-1-603, the Legislature intends that the above appropriations not</u>	
297	<u>lapse at the close of fiscal year 2021. The use of any nonlapsing funds is limited to the</u>	
298	<u>purposes described in Subsections (1) and (2).</u>	
299	<u>The following sums of money are appropriated for the fiscal year beginning July 1,</u>	
300	<u>2021 and ending June 30, 2022. These are additions to amounts previously appropriated for</u>	
301	<u>fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures</u>	
302	<u>Act, the Legislature appropriates the following sums of money from the funds or accounts</u>	
303	<u>indicated for the use and support of the government of the state of Utah.</u>	
304	<u>ITEM 6 To Legislature - Senate</u>	

305	<u>From General Fund, One-time</u>	<u>\$6,400</u>
306	<u>Schedule of Programs:</u>	
307	<u>Administration</u>	<u>\$6,400</u>
308	<u>ITEM 7 To Legislature - House of Representatives</u>	
309	<u>From General Fund, One-time</u>	<u>\$6,400</u>
310	<u>Schedule of Programs:</u>	
311	<u>Administration</u>	<u>\$6,400</u>
312	<u>ITEM 8 To Attorney General - Attorney General</u>	
313	<u>From General Fund, One-time</u>	<u>\$3,000</u>
314	<u>Schedule of Programs:</u>	
315	<u>Administration</u>	<u>\$3,000</u>
316	<u>ITEM 9 To Department of Human Services - Division of Substance Abuse and Mental Health</u>	
317	<u>From General Fund</u>	<u>\$1,851,800</u>
318	<u>Schedule of Programs:</u>	
319	<u>Community Mental Health Services</u>	<u>\$1,851,800</u>
320	<u>(1) The Legislature intends that the appropriations in Items 6, 7, and 8 be used for</u>	
321	<u>expenses relating to the Behavioral Health Crisis Response Commission created in Section</u>	
322	<u>63C-18-202.</u>	
323	<u>(2) The Legislature intends that the appropriations in Item 9 be used for expenses</u>	
324	<u>related to:</u>	
325	<u>(a) the statewide behavioral health crisis line and warm line, described in Title 62A,</u>	
326	<u>Chapter 15, Part 13, Statewide Mental Health Crisis Line and Statewide Warm Line; and</u>	
327	<u>(b) SafeUT, described in Title 53B, Chapter 17, Part 12, SafeUT Crisis Line.</u>	
328	<u>(3) Under Section 63J-1-603, the Legislature intends that the above appropriations not</u>	
329	<u>lapse at the close of fiscal year 2022. The use of any nonlapsing funds is limited to the</u>	
330	<u>purposes described in Subsections (1) and (2).</u>	
331	Section 6. Effective date.	
332	<u>If approved by two-thirds of all the members elected to each house, this bill takes effect</u>	
333	<u>upon approval by the governor, or the day following the constitutional time limit of Utah</u>	
334	<u>Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,</u>	
335	<u>the date of veto override.</u>	