

BEHAVIORAL HEALTH SERVICES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael S. Kennedy

House Sponsor: Stewart E. Barlow

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

Legislative Vote: 15 voting for 0 voting against 3 absent

General Description:

This bill addresses behavioral health treatment and services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Department of Health to:
 - award a grant to a local mental health authority to implement or expand an integrated behavioral health program;
 - develop a proposal to allow the state Medicaid program to reimburse a local mental health authority for ~~§~~→ [behavioral] physical ←~~§~~ health services in an integrated behavioral health care setting ~~§~~→ [at an increased rate] ←~~§~~ ; and
 - apply for a waiver under the state Medicaid plan to implement the proposal;
- ▶ allows a certain medication-assistance treatment drug to be recycled under the Charitable Prescription Drug Recycling Act, subject to federal law;
- ▶ creates a sunset date;
- ▶ creates reporting requirements; and
- ▶ makes technical and conforming changes.

S.B. 41



28 **Money Appropriated in this Bill:**

29 This bill appropriates in fiscal year 2023:

29a **H→ ▶ to Department of Health and Human Services -- Integrated Health Care**
29b **Services -- Medicaid Behavioral Health Services, as an ongoing appropriation:**

29c • **from General Fund, \$116,000; and ←H**

30 ▶ to Department of Health **S→ and Human Services ←S -- S→ [Family Health and**
30a **Preparedness] Integrated Health Care Services -- Medicaid Behavioral Health Services ←S** , as
30b a one-time
31 appropriation:

32 • from General Fund, One-time, **H→ [\$200,000] \$87,000 ←H** .

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **58-17b-902**, as last amended by Laws of Utah 2021, Chapter 397

38 **58-17b-905**, as last amended by Laws of Utah 2021, Chapter 397

39 **63I-1-226**, as last amended by Laws of Utah 2021, Chapters 13, 50, 64, 163, 182, 234,
40 and 417

41 ENACTS:

42 **26-1-43**, Utah Code Annotated 1953

43 **26-18-427**, Utah Code Annotated 1953

44

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

46 Section 1. Section **26-1-43** is enacted to read:

47 **26-1-43. Integrated behavioral health care grant program.**

48 (1) As used in this section:

49 (a) "Integrated behavioral health care services" means coordinated physical and
50 behavioral health care services for one patient.

51 (b) "Local mental health authority" means a local mental health authority described in
52 Section 17-43-301.

53 (c) "Project" means a project described in Subsection (2).

54 (2) Before July 1 H→ [2022] of each year ←H , the department shall issue a request for
54a proposals in
55 accordance with this section to award a grant to a local mental health authority for development
56 or expansion of a project to provide effective delivery of integrated behavioral health care
57 services.

58 (3) To be considered for a grant award under Subsection (2), a local mental health

90 health care services under each project;

91 (b) data gathered in relation to each project; and

92 (c) recommendations for expanding a project statewide.

93 Section 2. Section **26-18-427** is enacted to read:

94 **26-18-427. Medicaid waiver for increased integrated health care reimbursement.**

95 (1) As used in this section:

96 (a) "Local mental health authority" means a local mental health authority described in
97 Section 17-43-301.

98 (b) "Integrated health care setting" means a health care or behavioral health care setting
99 that provides integrated physical and behavioral health care services.

100 (2) The department shall develop a proposal to allow the state Medicaid program to
101 reimburse a local mental health authority for covered ~~§~~→ **[behavioral] physical** ←~~§~~ health care
101a services provided
102 in an integrated health care setting ~~§~~→ **[at an increased capitation rate within the state Medicaid**
103 program] to Medicaid eligible individuals ←~~§~~ .

104 (3) Before December 31, 2022, the department shall apply for a Medicaid waiver or a
105 state plan amendment with CMS to implement the proposal described in Subsection (2).

106 (4) If the waiver or state plan amendment described in Subsection (3) is approved, the
107 department shall:

108 (a) implement the proposal described in Subsection (2); and

109 (b) while the waiver or state plan amendment is in effect, submit a report to the Health
110 and Human Services Interim Committee each year before November 30 detailing:

111 (i) the number of patients served under the waiver or state plan amendment;

112 (ii) the cost of the waiver or state plan amendment; and

113 (iii) any benefits of the waiver or state plan amendment.

114 Section 3. Section **58-17b-902** is amended to read:

115 **58-17b-902. Definitions.**

116 As used in this part:

117 (1) "Assisted living facility" means the same as that term is defined in Section 26-21-2.

118 (2) "Cancer drug" means a drug that controls or kills neoplastic cells and includes a
119 drug used in chemotherapy to destroy cancer cells.

120 (3) "Charitable clinic" means a charitable nonprofit corporation that:

214 (2) Subsection 26-1-7(1)(h), related to the Primary Care Grant Committee, is repealed
215 July 1, 2025.

216 (3) Section 26-1-7.5, which creates the Utah Health Advisory Council, is repealed July
217 1, 2025.

218 (4) Section 26-1-40 is repealed July 1, 2022.

219 (5) Section 26-1-41 is repealed July 1, 2026.

220 (6) Section 26-7-10 is repealed July 1, 2025.

221 (7) Subsection 26-7-11(5), regarding reports to the Legislature, is repealed July 1,
222 2028.

223 (8) Section 26-7-14 is repealed December 31, 2027.

224 (9) Title 26, Chapter 9f, Utah Digital Health Service Commission Act, is repealed July
225 1, 2025.

226 (10) Subsection 26-10-6(5), which creates the Newborn Hearing Screening Committee,
227 is repealed July 1, 2026.

228 (11) Section 26-10b-106, which creates the Primary Care Grant Committee, is repealed
229 July 1, 2025.

230 (12) Subsection 26-15c-104(3), relating to a limitation on the number of
231 microenterprise home kitchen permits that may be issued, is repealed on July 1, 2022.

232 (13) Subsection 26-18-2.6(9), which addresses reimbursement for dental hygienists, is
233 repealed July 1, 2028.

234 (14) Section 26-18-27 is repealed July 1, 2025.

235 (15) Section 26-1-43 is repealed December 31, ~~H~~ → [2022] 2025 ← ~~H~~ .

236 [~~15~~] (16) Title 26, Chapter 18, Part 2, Drug Utilization Review Board, is repealed
237 July 1, 2027.

238 [~~16~~] (17) Subsection 26-18-418(2), the language that states "and the Behavioral
239 Health Crisis Response Commission created in Section 63C-18-202" is repealed July 1, 2023.

240 [~~17~~] (18) Section 26-33a-117 is repealed on December 31, 2023.

241 [~~18~~] (19) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1,
242 2024.

243 [~~19~~] (20) Title 26, Chapter 36b, Inpatient Hospital Assessment Act, is repealed July
244 1, 2024.

245 ~~[(20)]~~ (21) Title 26, Chapter 36c, Medicaid Expansion Hospital Assessment Act, is
 246 repealed July 1, 2024.

247 ~~[(21)]~~ (22) Title 26, Chapter 36d, Hospital Provider Assessment Act, is repealed July
 248 1, 2024.

249 ~~[(22)]~~ (23) Section 26-39-201, which creates the Residential Child Care Licensing
 250 Advisory Committee, is repealed July 1, 2024.

251 ~~[(23)]~~ (24) Section 26-40-104, which creates the Utah Children's Health Insurance
 252 Program Advisory Council, is repealed July 1, 2025.

253 ~~[(24)]~~ (25) Section 26-50-202, which creates the Traumatic Brain Injury Advisory
 254 Committee, is repealed July 1, 2025.

255 ~~[(25)]~~ (26) Title 26, Chapter 54, Spinal Cord and Brain Injury Rehabilitation Fund and
 256 Pediatric Neuro-Rehabilitation Fund, is repealed January 1, 2025.

257 ~~[(26)]~~ (27) Title 26, Chapter 63, Nurse Home Visiting Pay-for-Success Program, is
 258 repealed July 1, 2026.

259 ~~[(27)]~~ (28) Title 26, Chapter 66, Early Childhood Utah Advisory Council, is repealed
 260 July 1, 2026.

261 ~~[(28)]~~ (29) Title 26, Chapter 68, COVID-19 Vaccine Restrictions Act, is repealed July
 262 1, 2024.

263 Section 6. **Appropriation.**

264 The following sums of money are appropriated for the fiscal year beginning July 1,
 265 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
 266 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 267 Act, the Legislature appropriates the following sums of money from the funds or accounts
 268 indicated for the use and support of the government of the state of Utah.

269 ITEM 1

270 To ~~Ŝ→ [Department of Health -- Family Health and Preparedness]~~ Department of Health
 270a and Human Services -- Integrated Health Care Services ←Ŝ

271 ~~Ĥ→~~ From General Fund \$116,000 ←Ĥ

271a From General Fund, One-time ~~Ĥ→~~ [\$200,000] \$87,000 ←Ĥ

272 Schedule of Programs:

273 ~~Ŝ→ [Integrated Behavioral Health Care Grant]~~ Medicaid Behavioral
 273a Health Services ←Ŝ ~~Ĥ→~~ [\$200,000] \$203,000 ←Ĥ

274 The Legislature intends that ~~Ŝ→ [the Department of Health use]~~ ←Ŝ the appropriations
 274a provided

275 under this item ~~Ŝ→~~ be used ←Ŝ to award grants under the Integrated Behavioral Health Care
 275a Grant Program