

Representative Marsha Judkins proposes the following substitute bill:

MENTAL HEALTH SERVICES FOR ADULTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marsha Judkins

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions related to the provision of mental health services for adults.

Highlighted Provisions:

This bill:

- requires the Department of Health and Human Services (department) to create a long-term, statewide assertive community treatment (ACT) team plan;

- modifies a grant program for the development of ACT teams;

- requires the department to report to the Health and Human Services Interim Committee regarding the long-term, statewide ACT team plan and ACT team grant program; and

- creates a sunset date for provisions relating to the creation of the statewide ACT team plan.

Money Appropriated in this Bill:

This bill appropriates:

- to the Department of Health and Human Services -- Integrated Health Care Services -- Non-Medicaid Behavioral Health Treatment & Crisis Response, as a one-time appropriation:

- from the General Fund, One-time, ~~\$5,000,000~~ \$1,000,000 .



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **62A-15-1802**, as enacted by Laws of Utah 2020, Chapter 304

31 **62A-15-1803**, as enacted by Laws of Utah 2020, Chapter 304

32 **63I-1-262**, as last amended by Laws of Utah 2022, Chapters 34, 35, 149, 257, and 335

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

35 Section 1. Section **62A-15-1802** is amended to read:

36 **62A-15-1802. Division duties -- ACT team license creation.**

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

- 40 (a) the standards the division establishes under Subsection (2); and
- 41 (b) guidelines for:
 - 42 (i) required training and experience of ACT team personnel; and
 - 43 (ii) the coordination of assertive community treatment and other community resources.

44 (2) (a) The division shall:

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

48 (ii) create a long-term, statewide ACT team plan that:

49 (A) identifies current and future statewide assertive community treatment needs,
50 objectives, and priorities;

51 (B) identifies barriers to establishing an ACT team in areas where an ACT team does
52 not currently exist;~~[and]~~

53 ~~[(B)]~~ (C) identifies the equipment, facilities, personnel training, and other resources
54 necessary to provide assertive community treatment in areas where an ACT team does not
55 currently exist; and

56 (D) identifies the gaps in housing needs for individuals served by ACT teams and how

57 to ensure individuals served by ACT teams can secure and maintain housing.

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

61 (c) The division shall report to the Health and Human Services Interim Committee
62 before June 30, 2024, regarding:

63 (i) the long-term, statewide ACT team plan described in Subsection (2)(a)(ii);

64 (ii) the number of individuals in each local area who meet the criteria for serious
65 mental illness and could benefit from ACT team services;

66 (iii) knowledge gained relating to the provision of care through ACT teams;

67 (iv) recommendations for further development of ACT teams; and

68 (v) obstacles that exist for further development of ACT teams throughout the state.

69 Section 2. Section **62A-15-1803** is amended to read:

70 **62A-15-1803. Grants for development of an ACT team.**

71 (1) The division shall award grants for the development of one [~~ACT team~~] or more
72 ACT teams to provide assertive community treatment to individuals in the state.

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

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

76 (b) the ability of the entity to provide housing to individuals served under the program;

77 (c) the ability of the entity to provide evidence of probable future program

78 sustainability; and

79 [~~(b)~~] (d) the percentage of matching funds the entity will provide to develop the
80 proposed ACT team.

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

83 (b) An entity may submit an application for and be awarded more than one grant
84 pursuant to the prioritization described in Subsection (2).

85 (c) An ACT team developed using a grant awarded under this section shall:

86 (i) coordinate with local homeless councils and criminal justice coordinating councils

87 to align the ACT team's services with existing services and strategic plans; and

88 (ii) work with an individual served under the program to secure and maintain housing
89 and provide wraparound services, including:

90 (A) clinical support;

91 (B) case management;

92 (C) peer support;

93 (D) employment support; and

94 (E) other services identified in the long-term, statewide ACT team plan described in
95 Section 62A-15-1802.

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

99 (5) Before June 30, 2024, and before June 30 of each subsequent fiscal year in which a
100 grant is awarded under Subsection (1), the division shall report to the Health and Human
101 Services Interim Committee regarding:

102 (a) data gathered in relation to each awarded grant;

103 (b) knowledge gained relating to the provision of medical and mental health services
104 by ACT teams;

105 (c) recommendations for the future use of ACT teams to provide medical and mental
106 health services;

107 (d) Medicaid reimbursement for services provided by ACT teams; and

108 (e) aggregated data about the patients who have received services from an ACT team,
109 including:

110 (i) the number of ACT team patients who have a severe mental illness;

111 (ii) the number of ACT team patients who have a co-occurring substance use disorder;

112 (iii) the number of ACT team patients who are experiencing homelessness or facing
113 housing insecurity; and

114 (iv) the number of ACT team patients who, after the most recent report was made, have
115 experienced:

116 (A) an acute psychiatric hospitalization;

117 (B) an arrest, incarceration, probation, or parole; or

118 (C) a transition from homelessness or housing insecurity to supported housing or

119 housing.

120 Section 3. Section **63I-1-262** is amended to read:

121 **63I-1-262. Repeal dates: Title 62A.**

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

123 (2) Sections **62A-5a-101**, **62A-5a-102**, **62A-5a-103**, and **62A-5a-104**, which create the
124 Coordinating Council for Persons with Disabilities, are repealed July 1, 2027.

125 (3) Subsections **62A-15-116**(1) and (5), the language that states "In consultation with
126 the Behavioral Health Crisis Response Commission, established in Section **63C-18-202**," is
127 repealed January 1, 2023.

128 (4) Section **62A-15-118** is repealed December 31, 2023.

129 (5) Section **62A-15-124** is repealed December 31, 2024.

130 (6) Section **62A-15-605**, which creates the Forensic Mental Health Coordinating
131 Council, is repealed July 1, 2023.

132 (7) Subsections **62A-15-1100**(1) and **62A-15-1101**(9), in relation to the Utah
133 Substance Use and Mental Health Advisory Council, are repealed January 1, 2033.

134 (8) In relation to the Behavioral Health Crisis Response Commission, on July 1, 2023:

135 (a) Subsections **62A-15-1301**(2) and **62A-15-1401**(1) are repealed;

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

138 (c) Subsection **62A-15-1303**(1), the language that states "In consultation with the
139 commission," is repealed;

140 (d) Subsection **62A-15-1402**(2)(a), the language that states "With recommendations
141 from the commission," is repealed; and

142 (e) Subsection **62A-15-1702**(6) is repealed.

143 (9) In relation to the Utah Assertive Community Treatment Act, on July 1, 2024:

144 (a) Subsection **62A-15-1802**(2)(a)(i), the language that states "and" is repealed;

145 (b) Subsections **62A-15-1802**(2)(a)(ii), **62A-15-1802**(2)(b), and **62A-15-1802**(2)(c) are
146 repealed.

147 Section 4. **Appropriation.**

148 The following sums of money are appropriated for the fiscal year beginning July 1,
149 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for

150 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
151 Act, the Legislature appropriates the following sums of money from the funds or accounts
152 indicated for the use and support of the government of the state of Utah.

153 ITEM 1

154 To Department of Health and Human Services -- Integrated Health Care Services

155 From General Fund, One-time \$→ [~~5,000,000~~] 1,000,000 ←\$

156 Schedule of Programs:

157 Non-Medicaid Behavioral Health Treatment

158 & Crisis Response \$→ [~~5,000,000~~] 1,000,000 ←\$

159 Under Section 63J-1-603, the Legislature intends that appropriations provided under
160 this section not lapse at the close of fiscal year 2024. The use of funds described in Item 1 is
161 limited to awarding grants under Section 62A-15-1803.