

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.



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.

56 (b) The division may delegate the ACT team plan requirement described in Subsection

57 (2)(a)(ii) to a contractor with whom the division contracts to provide assertive community
58 outreach treatment.

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

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

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

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

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

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

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

68 **62A-15-1803. Grants for development of an ACT team.**

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

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

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

74 (b) the ability of the entity to provide evidence of probable future program
75 sustainability; and

76 [~~(b)~~] (c) the percentage of matching funds the entity will provide to develop the
77 proposed ACT team.

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

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

82 (c) An ACT team developed using a grant awarded under this section shall coordinate
83 with local homeless councils and criminal justice coordinating councils to align the ACT
84 team's services with existing services and strategic plans.

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

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

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

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

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

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

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

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

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

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

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

105 (A) an acute psychiatric hospitalization;

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

107 (C) a transition from homelessness or housing insecurity to supported housing or
108 housing.

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

110 **63I-1-262. Repeal dates: Title 62A.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

134 (b) Subsections 62A-15-1802(2)(a)(ii), 62A-15-1802(2)(b), and 62A-15-1802(2)(c) are
135 repealed.

136 Section 4. **Appropriation.**

137 The following sums of money are appropriated for the fiscal year beginning July 1,
138 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
139 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
140 Act, the Legislature appropriates the following sums of money from the funds or accounts
141 indicated for the use and support of the government of the state of Utah.

142 ITEM 1

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

144 From General Fund, One-time 5,000,000

145 Schedule of Programs:

146 Non-Medicaid Behavioral Health Treatment

147 & Crisis Response 5,000,000

148 Under Section 63J-1-603, the Legislature intends that appropriations provided under
149 this section not lapse at the close of fiscal year 2024. The use of funds described in Item 1 is

150 limited to awarding grants under Section [62A-15-1803](#).