

Representative Steve Eliason proposes the following substitute bill:

MENTAL HEALTH TREATMENT ACCESS AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies and enacts provisions relating to mental health treatment access.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Utah Substance Use and Mental Health Advisory Council to study and provide recommendations regarding the long-term need for adult beds at the Utah State Hospital;
- ▶ requires the Division of Substance Abuse and Mental Health to:
 - set standards for certification of assertive community outreach teams (ACOTs);
 - make rules outlining the responsibilities of ACOTs;
 - award a grant for the development of one ACOT; and
 - implement and manage a housing assistance program for certain individuals

released from the Utah State Hospital; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates:

- ▶ to the Department of Human Services -- Division of Substance Abuse and Mental



26 Health -- Utah State Hospital, as a one-time appropriation:

- 27 • from the General Fund, One-time, (\$1,076,900).

28 ▶ to the Department of Human Services -- Division of Substance Abuse and Mental

29 Health -- Utah State Hospital, as an ongoing appropriation:

- 30 • from the General Fund, \$4,885,500.

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **63M-7-301**, as last amended by Laws of Utah 2019, Chapter 246

36 **63M-7-303**, as last amended by Laws of Utah 2018, Chapter 414

37 ENACTS:

38 **62A-15-1701**, Utah Code Annotated 1953

39 **62A-15-1702**, Utah Code Annotated 1953

40 **62A-15-1703**, Utah Code Annotated 1953

41 **62A-15-1704**, Utah Code Annotated 1953



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

44 Section 1. Section **62A-15-1701** is enacted to read:

45 **Part 17. Utah Assertive Community Treatment Act**

46 **62A-15-1701. Definitions.**

47 As used in this part:

48 (1) "ACOT certification" means the certification created in this part for ACOT
49 personnel and assertive community treatment.

50 (2) "ACOT personnel" means a licensed psychiatrist or mental health therapist, or
51 another individual, as determined by the division, who is part of an ACOT.

52 (3) "Assertive community outreach team" or "ACOT" means a mobile team of medical
53 and mental health professionals that provides assertive community outreach treatment and,
54 based on the individual circumstances of each case, coordinates with other medical providers
55 and appropriate community resources.

56 (4) (a) "Assertive community treatment" means mental health services and on-site

57 intervention that a person renders to an individual with a mental illness.

58 (b) "Assertive community treatment" includes the provision of assessment and
59 treatment plans, rehabilitation, support services, and referrals to other community resources.

60 (5) "Mental health therapist" means the same as that term is defined in Section
61 58-60-102.

62 (6) "Mental illness" means the same as that term is defined in Section 62A-15-602.

63 (7) "Psychiatrist" means the same as that term is defined in Section 62A-15-1601.

64 Section 2. Section **62A-15-1702** is enacted to read:

65 **62A-15-1702. Department and division duties -- ACOT license creation.**

66 (1) To promote the availability of assertive community treatment, the division shall
67 make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
68 that create a certificate for ACOT personnel and ACOTs, that includes:

69 (a) the standards the division establishes under Subsection (2); and

70 (b) guidelines for:

71 (i) required training and experience of ACOT personnel; and

72 (ii) the coordination of assertive community treatment and other community resources.

73 (2) (a) The division shall:

74 (i) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
75 make rules that establish standards that an applicant is required to meet to qualify for the
76 ACOT certification described in Subsection (1); and

77 (ii) create a statewide ACOT plan that:

78 (A) identifies statewide assertive community treatment needs, objectives, and
79 priorities; and

80 (B) identifies the equipment, facilities, personnel training, and other resources
81 necessary to provide assertive community treatment.

82 (b) The division may delegate the ACOT plan requirement described in Subsection
83 (2)(a)(ii) to a contractor with whom the division contracts to provide assertive community
84 outreach treatment.

85 Section 3. Section **62A-15-1703** is enacted to read:

86 **62A-15-1703. Grants for development of an ACOT.**

87 (1) The division shall award grants for the development of one ACOT to provide

88 assertive community outreach treatment to individuals in the state.

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

91 (a) the number of individuals the proposed ACOT will serve; and

92 (b) the percentage of matching funds the entity will provide to develop the proposed
93 ACOT.

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

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 Section 4. Section **62A-15-1704** is enacted to read:

100 **62A-15-1704. Housing assistance program for individuals discharged from the**
101 **Utah State Hospital and receiving assertive community outreach treatment.**

102 (1) (a) The division shall, within funds appropriated by the Legislature for this purpose,
103 implement and manage the operation of a housing assistance program in consultation with the
104 Utah State Hospital, established in Section [62A-15-601](#), and one or more housing authorities,
105 associations of governments, or nonprofit entities.

106 (b) The housing assistance program shall provide the housing assistance described in
107 Subsection (1)(c) to individuals:

108 (i) who are discharged from the Utah State Hospital; and

109 (ii) who the division determines would benefit from assertive community treatment.

110 (c) The housing assistance provided under the housing assistance program may
111 include:

112 (i) subsidizing rent payments for housing;

113 (ii) subsidizing the provision of temporary or transitional housing; or

114 (iii) providing money for one-time housing barrier assistance, including rental housing
115 application fees, utility hookup fees, or rental housing security deposits.

116 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
117 Administrative Rulemaking Act, to establish procedures for the operation of the housing
118 assistance program described in Subsection (1).

119 (3) The division shall report to the Health and Human Services Interim Committee
120 each year before November 30 regarding:

121 (a) the entities the division consulted with under Subsection (1)(a);

122 (b) the number of individuals who are benefitting from the housing assistance program
123 described in Subsection (1);

124 (c) the type of housing assistance provided under the housing assistance program
125 described in Subsection (1);

126 (d) the average monthly dollar amount provided to individuals under the housing
127 assistance program described in Subsection (1); and

128 (e) recommendations regarding improvements or changes to the housing assistance
129 program described in Subsection (1).

130 Section 5. Section **63M-7-301** is amended to read:

131 **63M-7-301. Definitions -- Creation of council -- Membership -- Terms.**

132 (1) (a) As used in this part, "council" means the Utah Substance Use and Mental Health
133 Advisory Council created in this section.

134 (b) There is created within the governor's office the Utah Substance Use and Mental
135 Health Advisory Council.

136 (2) The council shall be comprised of the following voting members:

137 (a) the attorney general or the attorney general's designee;

138 (b) ~~an~~ one elected county official appointed by the Utah Association of Counties;

139 (c) the commissioner of public safety or the commissioner's designee;

140 (d) the director of the Division of Substance Abuse and Mental Health or the director's
141 designee;

142 (e) the state superintendent of public instruction or the superintendent's designee;

143 (f) the executive director of the Department of Health or the executive director's
144 designee;

145 (g) the executive director of the Commission on Criminal and Juvenile Justice or the
146 executive director's designee;

147 (h) the executive director of the Department of Corrections or the executive director's
148 designee;

149 (i) the director of the Division of Juvenile Justice Services or the director's designee;

- 150 (j) the director of the Division of Child and Family Services or the director's designee;
- 151 (k) the chair of the Board of Pardons and Parole or the chair's designee;
- 152 (l) the director of the Office of Multicultural Affairs or the director's designee;
- 153 (m) the director of the Division of Indian Affairs or the director's designee;
- 154 (n) the state court administrator or the state court administrator's designee;
- 155 (o) [a] one district court judge who presides over a drug court and who is appointed by
- 156 the chief justice of the Utah Supreme Court;
- 157 (p) [a] one district court judge who presides over a mental health court and who is
- 158 appointed by the chief justice of the Utah Supreme Court;
- 159 (q) [a] one juvenile court judge who presides over a drug court and who is appointed
- 160 by the chief justice of the Utah Supreme Court;
- 161 (r) [a] one prosecutor appointed by the Statewide Association of Prosecutors;
- 162 (s) the chair or co-chair of each committee established by the council;
- 163 (t) the chair or co-chair of the Statewide Suicide Prevention Coalition created under
- 164 Subsection [62A-15-1101\(2\)](#);
- 165 (u) [a] one representative appointed by the Utah League of Cities and Towns to serve a
- 166 four-year term;
- 167 (v) the following members appointed by the governor to serve four-year terms:
- 168 (i) one resident of the state who has been personally affected by a substance use or
- 169 mental health disorder; and
- 170 (ii) one citizen representative; and
- 171 (w) in addition to the voting members described in Subsections (2)(a) through (v), the
- 172 following voting members appointed by a majority of the members described in Subsections
- 173 (2)(a) through (v) to serve four-year terms:
- 174 (i) one resident of the state who represents a statewide advocacy organization for
- 175 recovery from substance use disorders;
- 176 (ii) one resident of the state who represents a statewide advocacy organization for
- 177 recovery from mental illness;
- 178 (iii) one resident of the state who represents a statewide advocacy organization for
- 179 protection of rights of individuals with a disability;
- 180 [~~(iii)~~] (iv) one resident of the state who represents prevention professionals;

181 [~~(iv)~~] (v) one resident of the state who represents treatment professionals;
 182 [~~(v)~~] (vi) one resident of the state who represents the physical health care field;
 183 [~~(vi)~~] (vii) one resident of the state who is a criminal defense attorney;
 184 [~~(vii)~~] (viii) one resident of the state who is a military servicemember or military
 185 veteran under Section [53B-8-102](#);

186 [~~(viii)~~] (ix) one resident of the state who represents local law enforcement agencies;
 187 [~~and~~]

188 [~~(ix)~~] (x) one representative of private service providers that serve youth with
 189 substance use disorders or mental health disorders[~~;~~]; ~~and~~

190 (xi) one resident of the state who is an ACOT personnel, as defined in Section
 191 [62A-15-1701](#).

192 (3) An individual other than an individual described in Subsection (2) may not be
 193 appointed as a voting member of the council.

194 Section 6. Section **63M-7-303** is amended to read:

195 **63M-7-303. Duties of council.**

196 (1) The Utah Substance Use and Mental Health Advisory Council shall:

197 (a) provide leadership and generate unity for Utah's ongoing efforts to reduce and
 198 eliminate the impact of substance use and mental health disorders in Utah through a
 199 comprehensive and evidence-based prevention, treatment, and justice strategy;

200 (b) recommend and coordinate the creation, dissemination, and implementation of
 201 statewide policies to address substance use and mental health disorders;

202 (c) facilitate planning for a balanced continuum of substance use and mental health
 203 disorder prevention, treatment, and justice services;

204 (d) promote collaboration and mutually beneficial public and private partnerships;

205 (e) coordinate recommendations made by any committee created under Section
 206 [63M-7-302](#);

207 (f) analyze and provide an objective assessment of all proposed legislation concerning
 208 substance use, mental health, and related issues;

209 (g) coordinate the implementation of Section [77-18-1.1](#) and related provisions in
 210 Subsections [77-18-1\(5\)\(b\)\(iii\)](#) and (iv), as provided in Section [63M-7-305](#);

211 (h) comply with Section [32B-2-306](#); [~~and~~]

212 (i) oversee coordination for the funding, implementation, and evaluation of suicide
213 prevention efforts described in Section 62A-15-1101[-]; and

214 (j) study and make recommendations regarding the long-term need for adult patient
215 beds at the state hospital and other inpatient facilities, including:

216 (i) the capacity of mental health resources in the community to support individuals
217 transitioning to the community from the state hospital or another inpatient facility; and

218 (ii) resources and infrastructure necessary to decrease the likelihood that an individual
219 described in Subsection (1)(j)(i) will enter or reenter the state hospital or another inpatient
220 facility.

221 (2) The council shall meet quarterly or more frequently as determined necessary by the
222 chair.

223 (3) The council shall report [its] the council's recommendations annually to the
224 commission, governor, the Legislature, and the Judicial Council.

225 Section 7. **Appropriation.**

226 The following sums of money are appropriated for the fiscal year beginning July 1,
227 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for
228 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
229 Act, the Legislature appropriates the following sums of money from the funds or accounts
230 indicated for the use and support of the government of the state of Utah.

231 ITEM 1

232 To Department of Human Services -- Division of Substance Abuse and Mental Health

233 From General Fund \$4,885,500

234 From General Fund, One-time (\$1,076,900)

235 Schedule of Programs:

236 Utah State Hospital \$3,808,600

237 The Legislature intends that appropriations provided under this item be used for the
238 establishment and maintenance of 30 adult patient beds at the Utah State Hospital.