

MENTAL HEALTH CRISIS LINE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

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LONG TITLE

General Description:

This bill addresses the operation of the statewide mental health crisis line and local mental health crisis lines.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ directs the Division of Substance Abuse and Mental Health (division) to enter into or modify contracts to provide the statewide mental health crisis line;
- ▶ requires the division to ensure that the statewide mental health crisis line meets certain staffing and operational standards;
- ▶ requires local mental health authorities to ensure that local mental health crisis lines

29 meet certain staffing and operational standards;

30       ▶ requires local mental health authorities and the division to ensure that calls may be  
31 transferred from local mental health crisis lines to the statewide mental health crisis

32 line to ensure a timely and effective response to calls;

33       ▶ amends the duties of the Mental Health Crisis Line Commission; and

34       ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36       None

37 **Other Special Clauses:**

38       None

39 **Utah Code Sections Affected:**

40 AMENDS:

41       **17-43-301**, as last amended by Laws of Utah 2016, Chapter 113

42       **17-43-305**, as last amended by Laws of Utah 2016, Chapter 113

43       **63C-18-203**, as enacted by Laws of Utah 2017, Chapter 23

44 ENACTS:

45       **62A-15-1301**, Utah Code Annotated 1953

46       **62A-15-1302**, Utah Code Annotated 1953

47       **62A-15-1303**, Utah Code Annotated 1953



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

50       Section 1. Section **17-43-301** is amended to read:

51       **17-43-301. Local mental health authorities -- Responsibilities.**

52       (1) As used in this section:

53       (a) "Crisis worker" means the same as that term is defined in Section [62A-15-1301](#).

54       (b) "Local mental health crisis line" means the same as that term is defined in Section

55 [63C-18-102](#).

56       (c) "Mental health therapist" means the same as that term is defined in Section

57 [58-60-102.](#)

58 (d) "Public funds" means the same as that term is defined in Section [17-43-303.](#)

59 (e) "Statewide mental health crisis line" means the same as that term is defined in  
60 Section [63C-18-102.](#)

61 ~~[(+)]~~ (2) (a) (i) In each county operating under a county executive-council form of  
62 government under Section [17-52-504](#), the county legislative body is the local mental health  
63 authority, provided however that any contract for plan services shall be administered by the  
64 county executive.

65 (ii) In each county operating under a council-manager form of government under  
66 Section [17-52-505](#), the county manager is the local mental health authority.

67 (iii) In each county other than a county described in Subsection ~~[(+)]~~ (2)(a)(i) or (ii),  
68 the county legislative body is the local mental health authority.

69 (b) Within legislative appropriations and county matching funds required by this  
70 section, under the direction of the division, each local mental health authority shall:

71 (i) provide mental health services to persons within the county; and

72 (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to  
73 promote integrated programs that address an individual's substance abuse, mental health, and  
74 physical healthcare needs, as described in Section [62A-15-103.](#)

75 (c) Within legislative appropriations and county matching funds required by this  
76 section, each local mental health authority shall cooperate with the efforts of the Department of  
77 Human Services to promote a system of care, as defined in Section [62A-1-104](#), for minors with  
78 or at risk for complex emotional and behavioral needs, as described in Section [62A-1-111.](#)

79 ~~[(2)]~~ (3) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal  
80 Cooperation Act, two or more counties may join to:

81 (i) provide mental health prevention and treatment services; or

82 (ii) create a united local health department that combines substance abuse treatment  
83 services, mental health services, and local health department services in accordance with  
84 Subsection ~~[(3)]~~ (4).

85 (b) The legislative bodies of counties joining to provide services may establish  
86 acceptable ways of apportioning the cost of mental health services.

87 (c) Each agreement for joint mental health services shall:

88 (i) (A) designate the treasurer of one of the participating counties or another person as  
89 the treasurer for the combined mental health authorities and as the custodian of money  
90 available for the joint services; and

91 (B) provide that the designated treasurer, or other disbursing officer authorized by the  
92 treasurer, may make payments from the money available for the joint services upon audit of the  
93 appropriate auditing officer or officers representing the participating counties;

94 (ii) provide for the appointment of an independent auditor or a county auditor of one of  
95 the participating counties as the designated auditing officer for the combined mental health  
96 authorities;

97 (iii) (A) provide for the appointment of the county or district attorney of one of the  
98 participating counties as the designated legal officer for the combined mental health  
99 authorities; and

100 (B) authorize the designated legal officer to request and receive the assistance of the  
101 county or district attorneys of the other participating counties in defending or prosecuting  
102 actions within their counties relating to the combined mental health authorities; and

103 (iv) provide for the adoption of management, clinical, financial, procurement,  
104 personnel, and administrative policies as already established by one of the participating  
105 counties or as approved by the legislative body of each participating county or interlocal board.

106 (d) An agreement for joint mental health services may provide for:

107 (i) joint operation of services and facilities or for operation of services and facilities  
108 under contract by one participating local mental health authority for other participating local  
109 mental health authorities; and

110 (ii) allocation of appointments of members of the mental health advisory council  
111 between or among participating counties.

112 [~~(3)~~] (4) A county governing body may elect to combine the local mental health

113 authority with the local substance abuse authority created in Part 2, Local Substance Abuse  
114 Authorities, and the local health department created in Title 26A, Chapter 1, Part 1, Local  
115 Health Department Act, to create a united local health department under Section 26A-1-105.5.  
116 A local mental health authority that joins with a united local health department shall comply  
117 with this part.

118 ~~[(4)]~~ (5) (a) Each local mental health authority is accountable to the department, the  
119 Department of Health, and the state with regard to the use of state and federal funds received  
120 from those departments for mental health services, regardless of whether the services are  
121 provided by a private contract provider.

122 (b) Each local mental health authority shall comply, and require compliance by its  
123 contract provider, with all directives issued by the department and the Department of Health  
124 regarding the use and expenditure of state and federal funds received from those departments  
125 for the purpose of providing mental health programs and services. The department and  
126 Department of Health shall ensure that those directives are not duplicative or conflicting, and  
127 shall consult and coordinate with local mental health authorities with regard to programs and  
128 services.

129 ~~[(5)]~~ (6) (a) Each local mental health authority shall:

130 (i) review and evaluate mental health needs and services, including mental health needs  
131 and services for persons incarcerated in a county jail or other county correctional facility;

132 (ii) ~~[as provided]~~ in accordance with Subsection ~~[(5)]~~ (6)(b), annually prepare and  
133 submit to the division a plan approved by the county legislative body for mental health funding  
134 and service delivery, either directly by the local mental health authority or by contract;

135 (iii) establish and maintain, either directly or by contract, programs licensed under Title  
136 62A, Chapter 2, Licensure of Programs and Facilities;

137 (iv) appoint, directly or by contract, a full-time or part-time director for mental health  
138 programs and prescribe the director's duties;

139 (v) provide input and comment on new and revised rules established by the division;

140 (vi) establish and require contract providers to establish administrative, clinical,

141 personnel, financial, procurement, and management policies regarding mental health services  
142 and facilities, in accordance with the rules of the division, and state and federal law;

143 (vii) establish mechanisms allowing for direct citizen input;

144 (viii) annually contract with the division to provide mental health programs and  
145 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and  
146 Mental Health Act;

147 (ix) comply with all applicable state and federal statutes, policies, audit requirements,  
148 contract requirements, and any directives resulting from those audits and contract requirements;

149 (x) provide funding equal to at least 20% of the state funds that it receives to fund  
150 services described in the plan;

151 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal  
152 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title  
153 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and  
154 Other Local Entities Act; and

155 (xii) take and retain physical custody of minors committed to the physical custody of  
156 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,  
157 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.

158 (b) Each plan under Subsection [~~(5)~~] (6)(a)(ii) shall include services for adults, youth,  
159 and children, which shall include:

160 (i) inpatient care and services;

161 (ii) residential care and services;

162 (iii) outpatient care and services;

163 (iv) 24-hour crisis care and services;

164 (v) psychotropic medication management;

165 (vi) psychosocial rehabilitation, including vocational training and skills development;

166 (vii) case management;

167 (viii) community supports, including in-home services, housing, family support  
168 services, and respite services;

169 (ix) consultation and education services, including case consultation, collaboration  
170 with other county service agencies, public education, and public information; and

171 (x) services to persons incarcerated in a county jail or other county correctional facility.

172 (7) (a) If a local mental health authority provides for a local mental health crisis line  
173 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local  
174 mental health authority shall:

175 (i) collaborate with the statewide mental health crisis line described in Section  
176 62A-15-1302;

177 (ii) ensure that each individual who answers calls to the local mental health crisis line:

178 (A) is a mental health therapist or a crisis worker; and

179 (B) meets the standards of care and practice established by the Division of Substance  
180 Abuse and Mental Health, in accordance with Section 62A-15-1302; and

181 (iii) ensure that when necessary, based on the local mental health crisis line's capacity,  
182 calls are immediately routed to the statewide mental health crisis line to ensure that when an  
183 individual calls the local mental health crisis line, regardless of the time, date, or number of  
184 individuals trying to simultaneously access the local mental health crisis line, a mental health  
185 therapist or a crisis worker answers the call without the caller first:

186 (A) waiting on hold; or

187 (B) being screened by an individual other than a mental health therapist or crisis  
188 worker.

189 (b) If a local mental health authority does not provide for a local mental health crisis  
190 line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the  
191 local mental health authority shall use the statewide mental health crisis line as a local crisis  
192 line resource.

193 ~~[(6)]~~ (8) Before disbursing any public funds, each local mental health authority shall  
194 require that each entity that receives any public funds from a local mental health authority  
195 agrees in writing that:

196 (a) the entity's financial records and other records relevant to the entity's performance

197 of the services provided to the mental health authority shall be subject to examination by:

198 (i) the division;

199 (ii) the local mental health authority director;

200 (iii) (A) the county treasurer and county or district attorney; or

201 (B) if two or more counties jointly provide mental health services under an agreement  
202 under Subsection [~~(2)~~] (3), the designated treasurer and the designated legal officer;

203 (iv) the county legislative body; and

204 (v) in a county with a county executive that is separate from the county legislative  
205 body, the county executive;

206 (b) the county auditor may examine and audit the entity's financial and other records  
207 relevant to the entity's performance of the services provided to the local mental health  
208 authority; and

209 (c) the entity will comply with the provisions of Subsection [~~(4)~~] (5)(b).

210 [~~(7)~~] (9) A local mental health authority may receive property, grants, gifts, supplies,  
211 materials, contributions, and any benefit derived therefrom, for mental health services. If those  
212 gifts are conditioned upon their use for a specified service or program, they shall be so used.

213 [~~(8)~~] (a) ~~As used in this section, "public funds" means the same as that term is defined~~  
214 ~~in Section 17-43-303.~~]

215 [~~(b)~~] (10) Public funds received for the provision of services pursuant to the local  
216 mental health plan may not be used for any other purpose except those authorized in the  
217 contract between the local mental health authority and the provider for the provision of plan  
218 services.

219 Section 2. Section 17-43-305 is amended to read:

220 **17-43-305. Responsibility for cost of services provided by local mental health**  
221 **authority.**

222 If a local mental health authority, through its designated provider, provides any service  
223 described in Subsection [~~17-43-301(5)~~] 17-43-301(6)(b) to a person who resides within the  
224 jurisdiction of another local mental health authority, the local mental health authority in whose



225 jurisdiction the person resides is responsible for the cost of that service if its designated  
226 provider has authorized the provision of that service.

227 Section 3. Section **62A-15-1301** is enacted to read:

228 **Part 13. Statewide Mental Health Crisis Line**

229 **62A-15-1301. Definitions.**

230 As used in this part:

231 (1) "Commission" means the Mental Health Crisis Line Commission created in Section  
232 63C-18-202.

233 (2) "Crisis worker" means an individual who:

234 (a) meets the standards of qualification or certification that the division sets, in  
235 accordance with Section 62A-15-1302; and

236 (b) staffs the statewide mental health crisis line or a local mental health crisis line  
237 under the supervision of at least one mental health therapist.

238 (3) "Local mental health crisis line" means the same as that term is defined in Section  
239 63C-18-102.

240 (4) "Mental health therapist" means the same as that term is defined in Section  
241 58-60-102.

242 (5) "Statewide mental health crisis line" means the same as that term is defined in  
243 Section 63C-18-102.

244 Section 4. Section **62A-15-1302** is enacted to read:

245 **62A-15-1302. Contracts for statewide mental health crisis line -- Crisis worker**  
246 **qualification or certification.**

247 (1) (a) The division shall enter into a new contract or modify an existing contract to  
248 manage and operate the statewide mental health crisis line, in accordance with this part, and to  
249 encourage collaboration with local mental health crisis lines.

250 (b) Through the contract described in Subsection (1)(a) and in consultation with the  
251 commission, the division shall set standards of care and practice for the mental health  
252 therapists and crisis workers who staff the statewide mental health crisis line.

253 (2) (a) The division shall establish training and minimum standards for the  
254 qualification or certification of crisis workers who staff the statewide mental health crisis line  
255 and local mental health crisis lines.

256 (b) The division may make rules, in accordance with Title 63G, Chapter 3, Utah  
257 Administrative Rulemaking Act, necessary to establish the training and minimum standards  
258 described in Subsection (2)(a).

259 Section 5. Section **62A-15-1303** is enacted to read:

260 **62A-15-1303. Statewide mental health crisis line operational standards.**

261 In consultation with the commission, the division shall ensure that:

262 (1) the following individuals are available to staff and answer calls to the statewide  
263 mental health crisis line 24 hours per day, 365 days per calendar year:

264 (a) mental health therapists; or

265 (b) crisis workers;

266 (2) a sufficient amount of staff is available to ensure that when an individual calls the  
267 statewide mental health crisis line, regardless of the time, date, or number of individuals trying  
268 to simultaneously access the statewide mental health crisis line, an individual described in  
269 Subsection (1) answers the call without the caller first:

270 (a) waiting on hold; or

271 (b) being screened by an individual other than a mental health therapist or crisis  
272 worker; and

273 (3) the statewide mental health crisis line has capacity to accept all calls that local  
274 mental health crisis lines route to the statewide mental health crisis line.

275 Section 6. Section **63C-18-203** is amended to read:

276 **63C-18-203. Commission duties -- Reporting requirements.**

277 (1) (a) The commission shall:

278 (i) identify a method to integrate existing local mental health crisis lines to ensure each  
279 individual who accesses a local mental health crisis line is connected to a qualified mental or  
280 behavioral health professional, regardless of the time, date, or number of individuals trying to

281 simultaneously access the local mental health crisis line;

282 (ii) study how to establish and implement a statewide mental health crisis line,

283 including identifying:

284 (A) a statewide phone number or other means for an individual to easily access the

285 statewide mental health crisis line, including a short code for text messaging and an N11

286 number for calls;

287 (B) a supply of qualified mental or behavioral health professionals to staff the

288 statewide mental health crisis line; and

289 (C) a funding mechanism to operate and maintain the statewide mental health crisis

290 line; and

291 (iii) coordinate with local mental health authorities in fulfilling the commission's duties

292 described in Subsections (1)(a)(i) and (ii).

293 (b) The commission may conduct other business related to the commission's duties

294 described in Subsection (1)(a).

295 ~~[(2) Before November 30, 2017, the commission shall report to the Political~~

296 ~~Subdivisions Interim Committee regarding:]~~

297 ~~[(a) the extent to which the commission fulfilled the commission's duties described in~~

298 ~~Subsection (1); and]~~

299 ~~[(b) recommendations for future legislation related to integrating local mental health~~

300 ~~crisis lines or establishing a statewide mental health crisis line.]~~

301 (2) The commission shall consult with the Division of Substance Abuse and Mental

302 Health regarding the standards and operation of the statewide mental health crisis line, in

303 accordance with Title 62A, Chapter 15, Part 13, Statewide Mental Health Crisis Line.