

HB0393S01 compared with HB0393

~~{deleted text}~~ shows text that was in HB0393 but was deleted in HB0393S01.

Inserted text shows text that was not in HB0393 but was inserted into HB0393S01.

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Representative Steve Eliason proposes the following substitute bill:

SUICIDE PREVENTION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: ~~{~~ Don L. Ipson

LONG TITLE

General Description:

This bill relates to suicide prevention and mental health treatment.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ expands the scope of suicide prevention programs in a school;
- ▶ requires the Division of Occupational and Professional Licensing, in conjunction with the Division of Substance Abuse and Mental Health, to create a suicide prevention web-accessible video;
- ▶ requires certain primary care providers to view the suicide prevention web-accessible video in order to renew a medical license;
- ▶ establishes the Survivors of Suicide Loss ~~{Grant Fund}~~ Account;

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- ▶ establishes the Psychiatric Consultation Program ~~{Grant Fund}~~ Account;
- ▶ provides immunity from civil liability for an individual who provides assistance to another individual who has expressed suicide ideation or taken suicidal action; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2020:

- ▶ to General Fund Restricted -- Survivors of Suicide Loss Account, as an ongoing appropriation:
 - from General Fund, \$83,000.
- ▶ to Department of Human Services -- Division of Substance Abuse and Mental Health, as an ongoing appropriation:
 - from General Fund -- Survivors of Suicide Loss Account, \$83,000.
- ▶ to General Fund Restricted -- Psychiatric Consultation Program Account, as an ongoing appropriation
 - from General Fund, \$350,000.
- ▶ to Department of Human Services -- Division of Substance Abuse and Mental Health, as an ongoing appropriation:
 - from General Fund -- Psychiatric Consultation Program Account, \$350,000.
- ▶ to Department of Human Services -- Division of Substance Abuse and Mental Health, as an ongoing appropriation:
 - from General Fund, ~~+\$1,333~~ \$900,000.
- ▶ to Governor's Office -- Suicide Prevention -- Suicide Prevention, as a one-time appropriation:
 - from General Fund, One-time, \$1,500,000.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-9-702, as last amended by Laws of Utah 2018, Chapter 414 and renumbered and amended by Laws of Utah 2018, Chapter 3

58-31b-305, as last amended by Laws of Utah 2018, Third Special Session, Chapter 1

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58-67-303, as last amended by Laws of Utah 2017, Chapter 299

58-68-303, as last amended by Laws of Utah 2017, Chapter 299

58-70a-304, as last amended by Laws of Utah 2001, Chapter 268

ENACTS:

58-1-601, Utah Code Annotated 1953

62A-15-1501, Utah Code Annotated 1953

62A-15-1502, Utah Code Annotated 1953

62A-15-1601, Utah Code Annotated 1953

62A-15-1602, Utah Code Annotated 1953

78B-4-516, Utah Code Annotated 1953

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

Section 1. Section **53G-9-702** is amended to read:

53G-9-702. Youth suicide prevention programs required in secondary schools -- State Board of Education to develop model programs -- Reporting requirements.

(1) As used in the section:

(a) "Board" means the State Board of Education.

(b) "Intervention" means an effort to prevent a student from attempting suicide.

(c) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.

(d) "Program" means a youth suicide prevention program described in Subsection (2).

(e) "Public education suicide prevention coordinator" means an individual designated by the board as described in Subsection (3).

(f) "Secondary grades":

(i) means grades 7 through 12; and

(ii) if a middle or junior high school includes grade 6, includes grade 6.

(g) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 62A-15-1101.

(2) In collaboration with the public education suicide prevention coordinator, a school district or charter school, in the secondary grades of the school district or charter school, shall implement a youth suicide prevention program, which, in collaboration with the training,

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programs, and initiatives described in Section 53G-9-607, shall include programs and training to address:

- (a) bullying and cyberbullying, as those terms are defined in Section 53G-9-601;
- (b) prevention of youth suicide;
- (c) increased risk of suicide among youth who are not accepted by family for any

reason, including lesbian, gay, bisexual, transgender, or questioning youth;

- ~~(d)~~ (d) youth suicide intervention;
- ~~(e)~~ (e) postvention for family, students, and faculty;
- ~~(f)~~ (f) underage drinking of alcohol;
- ~~(g)~~ (g) methods of strengthening the family; and
- ~~(h)~~ (h) methods of strengthening a youth's relationships in the school and community.

(3) The board shall:

- (a) designate a public education suicide prevention coordinator; and
- (b) in collaboration with the Department of Health and the state suicide prevention

coordinator, develop model programs to provide to school districts and charter schools:

- (i) program training; and
- (ii) resources regarding the required components described in Subsection (2)(b).

(4) The public education suicide prevention coordinator shall:

(a) oversee the youth suicide prevention programs of school districts and charter schools;

(b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator; and

(c) award grants in accordance with Section 53F-5-206.

(5) A public school suicide prevention program may allow school personnel to ask a student questions related to youth suicide prevention, intervention, or postvention.

(6) (a) Subject to legislative appropriation, the board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.

(b) The board shall distribute money under Subsection (6)(a) so that each school that enrolls students in grade 7 or a higher grade receives an allocation of at least \$1,000.

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(c) (i) A school shall use money allocated to the school under Subsection (6)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.

(ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.

(7) (a) The board shall provide a written report, and shall orally report to the Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the public education suicide prevention coordinator and the state suicide prevention coordinator, on:

(i) the progress of school district and charter school youth suicide prevention programs, including rates of participation by school districts, charter schools, and students;

(ii) the board's coordination efforts with the Department of Health and the state suicide prevention coordinator;

(iii) the public education suicide prevention coordinator's model program for training and resources related to youth suicide prevention, intervention, and postvention;

(iv) data measuring the effectiveness of youth suicide programs;

(v) funds appropriated to each school district and charter school for youth suicide prevention programs; and

(vi) five-year trends of youth suicides per school, school district, and charter school.

(b) School districts and charter schools shall provide to the board information that is necessary for the board's report to the Legislature's Education Interim Committee as required in Subsection (7)(a).

Section 2. Section **58-1-601** is enacted to read:

Part 6. Suicide Prevention Training for Primary Care Providers

58-1-601. Suicide prevention video -- Primary care providers.

(1) As used in this section:

(a) "Nurse practitioner" means an individual who is licensed to practice as an advanced practice registered nurse under Chapter 31b, Nurse Practice Act.

(b) "Physician" means an individual licensed to practice as a physician or osteopath under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act.

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(c) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Chapter 70a, Physician Assistant Act.

(d) "Primary care provider" means a nurse practitioner, physician, or physician assistant.

(2) The division, in conjunction with the Division of Substance Abuse and Mental Health created in Section 62A-15-103, shall:

(a) create a series of suicide prevention videos that:

(i) are web-accessible;

(ii) are each no longer than ~~60~~15 minutes in length; and

(iii) include information about:

(A) individuals at-risk for suicide; and

(B) suicide prevention and intervention; and

(b) provide, on the division's website, educational materials or courses that relate to suicide prevention that a primary care provider may complete at no cost and apply toward continuing competency requirements required by division rule.

(3) The division shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that establish procedures for:

(a) producing the suicide prevention videos described in Subsection (2); and

(b) providing access to the videos to each primary care provider.

Section 3. Section **58-31b-305** is amended to read:

58-31b-305. Term of license -- Expiration -- Renewal.

(1) (a) The division shall issue each license or certification under this chapter in accordance with a two-year renewal cycle established by rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles [it] the division administers.

(2) The division shall renew the license of a licensee who, at the time of renewal:

(a) completes and submits an application for renewal in a form prescribed by the division;

(b) pays a renewal fee established by the division under Section 63J-1-504; [~~and~~]

(c) views ~~the~~a suicide prevention video described in Section 58-1-601 and submits proof in the form required by the division; and

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~~(e)~~ (d) meets continuing competency requirements as established by rule.

(3) In addition to the renewal requirements under Subsection (2), a person licensed as an advanced practice registered nurse shall be currently certified by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of that qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

(4) In addition to the requirements described in Subsections (2) and (3), an advanced practice registered nurse licensee specializing in psychiatric mental health nursing who, as of the day on which the division originally issued the licensee's license had not completed the division's clinical practice requirements in psychiatric and mental health nursing, shall, to qualify for renewal:

(a) if renewing less than two years after the day on which the division originally issued the license, demonstrate satisfactory progress toward completing the clinical practice requirements; or

(b) have completed the clinical practice requirements.

(5) Each license or certification automatically expires on the expiration date shown on the license or certification unless renewed in accordance with Section 58-1-308.

(6) The division shall accept and apply toward an hour requirement that the division establishes under Subsection (2)~~(e)~~(d) continuing education that an advanced practice registered nurse completes in accordance with Section 26-61a-106.

Section 4. Section **58-67-303** is amended to read:

58-67-303. Term of license -- Expiration -- Renewal.

(1) (a) Except as provided in Section 58-67-302.7, the division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles ~~it~~ the division administers.

(2) At the time of renewal, the licensee shall ~~show compliance with~~:

(a) view ~~the~~a suicide prevention video described in Section 58-1-601 and submit proof in the form required by the division;

~~(a)~~ (b) show compliance with continuing education renewal requirements; and

~~(b)~~ (c) show compliance with the requirement for designation of a contact person and alternate contact person for access to medical records and notice to patients as required by

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Subsections 58-67-304(1)(b) and (c).

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

(4) An individual may not be licensed as an associate physician for more than a total of four years.

Section 5. Section **58-68-303** is amended to read:

58-68-303. Term of license -- Expiration -- Renewal.

(1) (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles [it] the division administers.

(2) At the time of renewal, the licensee shall ~~[show compliance with]:~~

(a) view ~~{the}~~a suicide prevention video described in Section 58-1-601 and submit proof in the form required by the division;

~~[(a)]~~ (b) show compliance with continuing education renewal requirements; and

~~[(b)]~~ (c) show compliance with the requirement for designation of a contact person and alternate contact person for access to medical records and notice to patients as required by Subsections 58-68-304(1)(b) and (c).

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

(4) An individual may not be licensed as an associate physician for more than a total of four years.

Section 6. Section **58-70a-304** is amended to read:

58-70a-304. License renewal -- Continuing education.

(1) Prior to license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule~~[-]~~:

(a) view ~~{the}~~a suicide prevention video described in Section 58-1-601 and submit proof in the form required by the division; and

(b) complete qualified continuing professional education requirements as defined by division rule made in collaboration with the board.

(2) If a renewal period is extended or shortened under Section 58-70a-303, the

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continuing education hours required for license renewal under this section are increased or decreased proportionally.

Section 7. Section **62A-15-1501** is enacted to read:

Part 15. Survivors of Suicide Loss ~~{Grant Fund}~~Program

62A-15-1501. Definitions.

As used in this part:

(1) "~~{Fund}~~Account" means the Survivors of Suicide Loss ~~{Grant Fund}~~Account created in Section 62A-15-1502.

(2) "Relative" means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

Section 8. Section **62A-15-1502** is enacted to read:

62A-15-1502. Survivors of Suicide Loss ~~{Grant Fund}~~Account.

(1) There is created ~~{an expendable special revenue fund}~~a restricted account within the General Fund known as the "Survivors of Suicide Loss ~~{Grant Fund}~~Account."

(2) The division shall administer the ~~{fund}~~account in accordance with this part.

(3) The ~~{fund}~~account shall consist of:

(a) money appropriated to the ~~{fund}~~account by the Legislature; and

(b) interest earned on money in the ~~{fund}~~account.

(4) The division shall award grants from the ~~{fund}~~account to:

(a) a relative, legal guardian, or cohabitant of an individual who dies by suicide as reimbursement for costs incurred by the relative, legal guardian, or cohabitant for mental health treatment or therapy as a result of the suicide; and

(b) a person who provides, for no or minimal cost:

(i) clean-up of property affected or damaged by an individual's suicide, as reimbursement for the costs incurred for the clean-up; and

(ii) bereavement services to a relative, legal guardian, or cohabitant of an individual who dies by suicide.

(5) The division shall establish a grant application and review process for the expenditure of money from the ~~{fund}~~account.

(6) The grant application and review process shall describe:

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- (a) requirements to complete the grant application;
- (b) requirements for receiving funding;
- (c) criteria for the approval of a grant application; and
- (d) support offered by the division to complete a grant application.
- (7) Upon receipt of a grant application, the division shall:
 - (a) review the grant application for completeness;
 - (b) make a determination regarding the grant application;
 - (c) inform the grant applicant of the division's determination regarding the grant application; and
 - (d) if approved, ~~release funds~~ award grants from the account to the grant applicant.
- (8) Before November 30 of each year, the division shall report to the Health and Human Services Interim Committee regarding the status of the ~~fund~~ account and expenditures made from the ~~fund~~ account.

Section 9. Section **62A-15-1601** is enacted to read:

Part 16. Psychiatric Consultation Program

62A-15-1601. Definitions.

As used in this part:

- (1) "~~Fund~~ Account" means the Psychiatric Consultation Program ~~Grant Fund~~ Account created in Section ~~62A-15-1603~~ 62A-15-1602.
- (2) "Health care facility" means a facility that provides licensed health care programs and services and employs at least two psychiatrists, at least one of whom is a child psychiatrist.
- (3) "Nurse practitioner" means an individual who is licensed to practice as an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act.
- (4) "Physician" means an individual licensed to practice as a physician or osteopath under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (5) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Title 58, Chapter 70a, Physician Assistant Act.
- (6) "Primary care provider" means a nurse practitioner, physician, or physician assistant.
- (7) "Psychiatrist" means an individual who:

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(a) is licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(b) is board eligible for a psychiatry specialization recognized by the American Board of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists.

(8) "Telehealth psychiatric consultation" means a consultation regarding a patient's mental health care, including diagnostic clarification, medication adjustment, or treatment planning, between a primary care provider and a psychiatrist that is completed through the use of electronic or telephonic communication.

Section 10. Section **62A-15-1602** is enacted to read:

62A-15-1602. Psychiatric Consultation Program ~~{Grant Fund}~~Account.

(1) There is created ~~an expendable special revenue fund~~ a restricted account within the General Fund known as the "Psychiatric Consultation Program ~~{Grant Fund}~~Account."

(2) The division shall administer the ~~{fund}~~account in accordance with this part.

(3) The ~~{fund}~~account shall consist of:

(a) money appropriated to the ~~{fund}~~account by the Legislature; and

(b) interest earned on money in the ~~{fund}~~account.

(4) The division shall award grants from the ~~{fund}~~account to one or more health care facilities to implement a program that provides a primary care provider access to a telehealth psychiatric consultation when evaluating a patient for or providing a patient mental health treatment.

(5) The division may award and distribute grant money to a health care facility only if the health care facility:

(a) is located in the state; and

(b) submits an application in accordance with Subsection (6).

(6) An application for a grant under this section shall include:

(a) the number of psychiatrists employed by the health care facility;

(b) the health care facility's plan to implement the telehealth psychiatric consultation program described in Subsection (4);

(c) the estimated cost to implement the telehealth psychiatric consultation program described in Subsection (4);

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(d) any plan to use one or more funding sources in addition to a grant under this section to implement the telehealth psychiatric consultation program described in Subsection (4);

(e) the amount of grant money requested to fund the telehealth psychiatric consultation program described in Subsection (4); and

(f) any existing or planned contract or partnership between the health care facility and another person to implement the telehealth psychiatric consultation program described in Subsection (4).

(7) A health care facility that receives grant money under this section shall file a report with the division before October 1 of each year that details for the immediately preceding calendar year:

(a) the type of services provided in the telehealth psychiatric program and the effectiveness of the services;

(b) the total amount expended from the grant money; and

(c) the intended use for grant money that has not been expended.

(8) Before November 30 of each year, the division shall report to the Health and Human Services Interim Committee regarding:

(a) the status of the ~~fund~~account and expenditures made from the ~~fund~~account;
and

(b) a summary of any report provided to the division under Subsection (7).

Section 11. Section **78B-4-516** is enacted to read:

78B-4-516. Immunity for providing assistance in a suicide emergency.

(1) As used in this section:

(a) "Emergency care" means assistance or advice offered to avoid, mitigate, or attempt to mitigate the effects of a suicide emergency.

(b) "Suicide emergency" means an occurrence that reasonably indicates an individual is at risk of dying or attempting to die by suicide.

(2) A person who provides emergency care at or near the scene of, or during, a suicide emergency, gratuitously and in good faith, is not liable for any civil damages or penalties as a result of any act or omission by the person providing the emergency care, unless the person is grossly negligent or caused the suicide emergency.

Section 12. **Appropriation.**

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The following sums of money are appropriated for the fiscal year beginning on July 1, 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for fiscal year 2020. ~~Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the~~

Subsection (12)(a). **Restricted Fund and Account Transfers.** The Legislature ~~appropriates the following sums of money from the~~ authorizes the Division of Finance to transfer the following amounts between the following funds or accounts ~~indicated for the use and support of the government of the state of Utah~~ as indicated. Expenditures and outlays from the funds to which the money is transferred must be authorized by an appropriation.

ITEM 1

To ~~Department of Human Services -- Division of Substance Abuse and Mental Health~~ General Fund Restricted -- Survivors of Suicide Loss Account

From General Fund ~~(\$1,333)~~ \$83,000

Schedule of Programs:

General Fund Restricted -- Survivors of Suicide

Loss Account \$83,000

ITEM 2

To General Fund Restricted -- Psychiatric Consultation Program Account

From General Fund \$350,000

Schedule of Programs:

General Fund Restricted -- Psychiatric Consultation

Program Account \$350,000

Subsection (12)(b). **Operating and Capital Budgets.** Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 3

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

From General Fund Restricted -- Survivors of Suicide Loss Account \$83,000

Schedule of Programs:

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the close of fiscal year 2020 and the use of any nonlapsing funds is limited to the ~~respective~~ purposes} ~~purpose~~ described under Subsection (1) ~~(2), or (3)~~.

ITEM ~~2~~6

To Governor's Office -- Suicide Prevention

From General Fund, One-time \$1,500,000

Schedule of Programs:

Suicide Prevention \$1,500,000

The Legislature intends that:

(1) subject to Subsection (2), the appropriations provided under this item be used to award grants under Section 62A-15-1103; and

(2) the amount of appropriations under this item used to award grants under Section 62A-15-1103 may not exceed the total amount of private gifts, grants, and bequests of personal property made to the Governor's Suicide Prevention Fund under Section 62A-15-1103 during fiscal year ~~2019~~2020.