Jennifer Dailey-Provost proposes the following substitute bill:

Child Therapy Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses continuity of mental health treatment and services for children in, and leaving, the custody of the Division of Child and Family Services.

Highlighted Provisions:

This bill:

- requires certain insurers to offer a single case agreement to allow certain children leaving the custody of the Division of Child and Family Services (division) to receive mental health treatment and services from the mental health therapist providing those services while the child was in the custody of the division;
- requires the division to, under certain circumstances:
  - determine whether a child entering the custody of the division has a mental health therapist, and facilitate continuity of care for the child with that mental health therapist; and
  - coordinate with a child's parent or guardian or the Department of Health and Human Services (department) when a child leaves the custody of the division to facilitate continuity of care for the child with the therapist that provided mental health treatment and services while the child was in the custody of the department;
- provides rulemaking authority; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

1st Sub. H.B. 590

31A-22-663, Utah Code Annotated 1953

80-2-310, Utah Code Annotated 1953

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

Section 1. Section **31A-22-663** is enacted to read:

31A-22-663 . Continuity of mental health treatment and services for a child leaving foster care.

(1) As used in this section:

(a)(i) "Covered child" means an insured child who:

(A) while in the custody of the Division of Child and Family Services, was receiving mental health treatment or services from a covered mental health therapist; and

(B) is no longer in the custody of the Division of Child and Family Services.

(ii) "Covered child" includes a covered child's parent or guardian acting on behalf of the covered child.

(iii) "Covered child" does not include an insured child who, while in the custody of the Division of Child and Family Services, was receiving mental health treatment or services from:

(A) a residential treatment program, as that term is defined in Section 26B-2-101;

(B) a day treatment program or partial hospitalization program; or

(C) any other facility that provides a level of care higher than traditional outpatient services where mental health treatment or services are integrated into the facility's specialized program of care.

(b) "Covered insurer" means an insurer that offers a health benefit plan that includes coverage for mental health treatment or services.

(c) "Covered mental health therapist" means a mental health therapist who provides mental health treatment and services to a covered child while the covered child is in the custody of the Division of Child and Family Services.

(d) "Insurer" means the same as that term is defined in Section 31A-22-634.

(e) "Insured child" means a child who is an enrollee in a covered insurer's health benefit plan that offers health insurance that includes coverage for mental health treatment or services.

(f) "Mental health therapist" means a mental health therapist as that term is defined in Section 58-60-102.

(2) A covered insurer shall, upon request of a covered child, offer a single case agreement that allows a covered child to receive covered mental health treatment and services from an out-of-network covered mental health therapist, if:

(a) the covered child was in the custody of the Division of Child and Family Services no more than 90 days before the day on which the covered child requests the single case agreement; and

(b) the covered mental health therapist agrees to enter the single case agreement.

(3) A covered insurer shall include in a negotiated single case agreement described in Subsection (2):

(a) a requirement that the covered insurer reimburse the out-of-network provider for the covered mental health treatment and services at a rate negotiated by the covered mental health therapist and insurer, subject to the member cost-sharing requirements imposed by the health benefit plan;

(b) a requirement that the covered insurer apply the same coinsurance, copayments, and deductibles that would apply for the mental health treatment and services if the mental health treatment and services were provided by a mental health therapist that is a network provider;

(c) any terms that a network provider is subject to under the health benefit plan; and

(d) the length and scope of the single case agreement.

(4) Nothing in this section may be construed to require a covered insurer to pay an out-of-network covered mental health therapist for services that are not otherwise covered under the covered child's health benefit plan.

(5) A covered child shall:

(a) request a single case agreement under Subsection (2) before the covered child receives mental health treatment or services from the covered mental health therapist; and

(b) provide documentation with the request for a single case agreement under Subsection (2):

(i) that the covered child received mental health treatment from the covered mental health therapist while in the custody of the Division of Child and Family Services; and

(ii) of when the covered child left the custody of the Division of Child and Family Services.

(6) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act, to implement this section.

Section 2. Section **80-2-310** is enacted to read:

80-2-310 . Continuity of mental health treatment and services for a foster child.

(1) As used in this section, "mental health therapist" means the same as that term is defined in Section 58-60-102.

(2) When a child enters the custody of the division, the division shall:

(a) determine whether the child has an existing relationship with a mental health therapist;

(b) if the child has an existing relationship with a mental health therapist, take steps to facilitate continuity of the child's mental health care with the mental health therapist, including by;

(i) contacting the mental health therapist;

(ii) facilitating the mental health therapist's enrollment as a Medicaid provider, if applicable; or

(iii) entering into a contract or agreement, including a single case agreement, with the mental health therapist to provide mental health care to the child while the child is in the custody of the division.

(3) When a child leaves the custody of the division, the division shall take steps to facilitate continuity of care with a mental health therapist providing mental health care to the child while the child was in the custody of the division, including by:

(a) with the consent of the mental health therapist, providing the name and contact information of the mental health therapist to the child's parents or guardians;

(b) coordinating with the department to continue the child's mental health care if the child or child's parents or guardians are Medicaid-eligible; and

(c) coordinating with the local mental health authority where the child resides to arrange for continued provision of mental health services, where appropriate.

(4) This section does not apply if a child in the custody of the division is placed in:

(a) a residential treatment program, as that term is defined in Section 26B-2-101;

(b) a day treatment program or partial hospitalization program; or

(c) any other facility that provides a level of care higher than traditional outpatient services where mental health treatment or services are integrated into the facility's specialized program of care.

(5) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.

Section 3. **Effective Date.**

This bill takes effect on May 6, 2026.