

Jennifer Dailey-Provost proposes the following substitute bill:

**Child Therapy Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer Dailey-Provost**

Senate Sponsor: Luz Escamilla

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**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:

29 31A-22-663, Utah Code Annotated 1953

30 80-2-310, Utah Code Annotated 1953



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

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

34 **31A-22-663 . Continuity of mental health treatment and services for a child**  
35 **leaving foster care.**

36 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 63 (2) A covered insurer shall, upon request of a covered child, offer a single case agreement  
64 that allows a covered child to receive covered mental health treatment and services from  
65 an out-of-network covered mental health therapist, if:
- 66 (a) the covered child was in the custody of the Division of Child and Family Services no  
67 more than 90 days before the day on which the covered child requests the single case  
68 agreement; and
- 69 (b) the covered mental health therapist agrees to enter the single case agreement.
- 70 (3) A covered insurer shall include in a negotiated single case agreement described in  
71 Subsection (2):
- 72 (a) a requirement that the covered insurer reimburse the out-of-network provider for the  
73 covered mental health treatment and services at a rate negotiated by the covered  
74 mental health therapist and insurer, subject to the member cost-sharing requirements  
75 imposed by the health benefit plan;
- 76 (b) a requirement that the covered insurer apply the same coinsurance, copayments, and  
77 deductibles that would apply for the mental health treatment and services if the  
78 mental health treatment and services were provided by a mental health therapist that  
79 is a network provider;
- 80 (c) any terms that a network provider is subject to under the health benefit plan; and  
81 (d) the length and scope of the single case agreement.
- 82 (4) Nothing in this section may be construed to require a covered insurer to pay an  
83 out-of-network covered mental health therapist for services that are not otherwise  
84 covered under the covered child's health benefit plan.
- 85 (5) A covered child shall:
- 86 (a) request a single case agreement under Subsection (2) before the covered child  
87 receives mental health treatment or services from the covered mental health therapist;  
88 and
- 89 (b) provide documentation with the request for a single case agreement under Subsection  
90 (2):
- 91 (i) that the covered child received mental health treatment from the covered mental  
92 health therapist while in the custody of the Division of Child and Family Services;  
93 and
- 94 (ii) of when the covered child left the custody of the Division of Child and Family  
95 Services.
- 96 (6) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah

97 Administrative Rulemaking Act, to implement this section.

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

99 **80-2-310 . Continuity of mental health treatment and services for a foster child.**

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

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

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

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

108 (i) contacting the mental health therapist;

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

111 (iii) **if the mental health therapist is or agrees to become enrolled as a Medicaid**  
111a **provider, entering into a contract or agreement, including a single case**  
111b **agreement, with the**  
112 **mental health therapist , , at a rate not to exceed the Medicaid rate, to**  
112a **provide mental health care to the child while the child is**  
113 **in the custody of the division.**

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

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

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

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

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

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

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

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

128                   specialized program of care.  
129           (5) The division shall make rules in accordance with Title 63G, Chapter 3, Utah  
130           Administrative Rulemaking Act, to implement this section.  
131           Section 3. **Effective Date.**  
132           This bill takes effect on May 6, 2026.