

**MENTAL HEALTH PROFESSIONAL
FINANCIAL ASSISTANCE GRANTS**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Sheryl L. Allen

This act modifies the Mental Health Therapist Grant and Scholarship Program. This act expands program eligibility criteria to include persons in training, modifies obligated service provisions, and modifies penalty provisions for failure to fulfill service obligations. This act updates membership provisions for the Rural Mental Health Therapist Financial Assistance Committee.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

62A-13-102, as enacted by Chapter 158, Laws of Utah 1994

62A-13-103, as last amended by Chapter 276, Laws of Utah 1997

62A-13-108, as enacted by Chapter 158, Laws of Utah 1994

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

Section 1. Section **62A-13-102** is amended to read:

62A-13-102. Definitions.

As used in this chapter:

(1) "Applicant" means a person who meets the application requirements established by the committee for a grant or a scholarship under this chapter.

(2) "Committee" means the Rural Mental Health Therapist Financial Assistance Committee created by Section 62A-13-103.

(3) "Educational expenses" are tuition, fees, books, supplies, educational equipment and material, and reasonable living expenses.

(4) "Medically underserved rural area" means a county, city, town, or other service area with a population of less than 99 people per square mile and designated by the committee as underserved by mental health therapists.

(5) "Mental health therapist" means an individual exempt from licensure under Subsection

58-1-307(1)(c) or licensed under Title 58, Occupations and Professions, as a:

(a) physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;

(b) registered psychiatric mental health nurse specialist;

(c) psychologist qualified to engage in the practice of mental health therapy;

(d) clinical social worker;

(e) certified social worker;

(f) marriage and family therapist; or

(g) professional counselor.

(6) "Practice of mental health therapy" means treatment or prevention of mental illness, including:

(a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection (5);

(b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (5);

(c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; or

(d) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (5).

(7) "Recipient" means an applicant selected to receive a grant or a scholarship under this chapter.

Section 2. Section **62A-13-103** is amended to read:

62A-13-103. Rural Mental Health Therapist Financial Assistance Committee created.

~~[(1) As used in this section, "Council of Mental Health Programs" means a council consisting of all of the directors of Utah public mental health centers.]~~

~~[(2)]~~ (1) The Rural Mental Health Therapist Financial Assistance Committee is comprised

of ten members appointed by the governor with the advice and consent of the Senate. The committee members are:

(a) one faculty member of the graduate school of social work at a Utah university, nominated by the dean of the school;

(b) one employee of the department nominated by the director of the department;

(c) one rural representative of the Utah [~~Council of Mental Health Programs~~] Behavioral Healthcare Network nominated by the [~~president of the council~~] network;

(d) one member of the Utah Psychological Association nominated by the president of the association;

(e) one rural representative of the Association for Utah Community Health nominated by the board of the association;

(f) one rural representative nominated by Utah League of Cities and Towns;

(g) one rural representative nominated by the Association of Counties;

(h) one rural representative nominated by the Utah Counseling Association;

(i) one rural representative of the Utah Association for Marriage and Family Therapy; and

(j) one member of the Legislature chosen by the president and speaker, who serves as an ex officio member with no voting privileges.

~~[(3)]~~ (2) (a) The names of all persons nominated to be members of the committee shall be submitted to the governor for confirmation or rejection.

(b) If a nominee is rejected by the governor, another nominee shall be selected in the same manner as the nominee the governor rejects.

~~[(4)]~~ (3) (a) Except as required by Subsection (3)(b), the term of office of each committee member is four years.

(b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.

~~[(5)]~~ (4) A committee member may not serve more than two consecutive terms.

~~[(6)]~~ (5) The committee shall annually designate one of its members to serve as chair for a

one-year period.

~~[(7)]~~ (6) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

~~[(8)]~~ (7) A majority of the committee members constitutes a quorum for the transaction of business.

~~[(9)]~~ (8) (a) (i) Members who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

(c) Legislators on the committee shall receive compensation and expenses as provided by law and legislative rule.

(d) Members from higher education may not receive per diem or expenses for their service.

(e) (i) Higher education members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties from the committee at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Higher education members may decline to receive per diem and expenses for their service.

(f) (i) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections

63A-3-106 and 63A-3-107.

(ii) Local government members may decline to receive per diem and expenses for their service.

Section 3. Section **62A-13-108** is amended to read:

62A-13-108. Service obligation -- Repayment -- Penalty.

(1) (a) Before receiving a grant or a scholarship under this chapter, each recipient shall enter into a contract with the state agreeing to the conditions upon which the grant or scholarship is to be made.

(b) The contract shall include necessary conditions to carry out the purposes of this chapter.

(2) (a) In exchange for financial assistance under this chapter, the recipient shall practice full-time for a minimum of 24 months in an underserved rural area at a site approved by the committee.

(b) The recipient's full-time practice in an underserved rural area at a site approved by the committee retires the amount owed for the grant or scholarship according to a schedule established by the committee.

~~[(c) Periods of internship, preceptorship, or other clinical training do not satisfy the service obligation under this chapter.]~~

(3) A grant recipient under this chapter who fails to complete the obligated service shall pay:

(a) [pay] as a penalty, twice the total amount of the grant not yet ~~[paid to him]~~ retired by the recipient's services, on a prorated basis according to a schedule established by the committee ~~[and]~~;

(b) 12% per annum interest on the [unpaid penalty amount] unretired funds received under the grant, calculated from the date the grant is received until the date the grant is repaid; and

~~[(b)]~~ (c) costs and expenses incurred in collection, including attorney fees.

(4) A scholarship recipient who fails to finish his schooling and become a mental health therapist within the period of time agreed upon with the committee shall within 90 days after the deadline for completing his schooling or within 90 days of his failure to continue his schooling, whichever occurs earlier, repay:

(a) all scholarship money received;

(b) 12% per annum interest on the funds received under the scholarship, calculated from the date ~~[each installment]~~ the scholarship is received ~~[under the scholarship]~~ until the date it is repaid; and

(c) costs and expenses incurred in collection, including attorney fees.

(5) A scholarship recipient who finishes his schooling and becomes a mental health therapist but who fails to fulfill his service obligation shall pay:

(a) ~~[repay]~~ as a penalty, twice the total scholarship amount paid to him that is not yet retired by his service, on a prorated basis according to a schedule established by the committee;

(b) 12% per annum interest on the unretired funds received under the scholarship calculated from the date he received ~~[each installment under]~~ the scholarship until the date it is repaid; and

(c) costs and expenses incurred in collection, including attorney fees.

(6) Amounts recovered and damages collected under this section shall be deposited as dedicated credits to be used to carry out the provisions of this chapter.