

1 **MENTAL HEALTH PROFESSIONAL**
2 **FINANCIAL ASSISTANCE GRANTS**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Sheryl L. Allen**

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

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

12 AMENDS:

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

14 **62A-13-103**, as last amended by Chapter 276, Laws of Utah 1997

15 **62A-13-108**, as enacted by Chapter 158, Laws of Utah 1994

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

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

18 **62A-13-102. Definitions.**

19 As used in this chapter:

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

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

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

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

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28 underserved by mental health therapists.

29 (5) "Mental health therapist" means an individual exempt from licensure under Subsection
30 58-1-307(1)(c) or licensed under Title 58, Occupations and Professions, as a:

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

33 (b) registered psychiatric mental health nurse specialist;

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

35 (d) clinical social worker;

36 (e) certified social worker;

37 (f) marriage and family therapist; or

38 (g) professional counselor.

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

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

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

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

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

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

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

54 **62A-13-103. Rural Mental Health Therapist Financial Assistance Committee**
55 **created.**

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

58 [~~(2)~~ (1) The Rural Mental Health Therapist Financial Assistance Committee is comprised

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

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

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

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

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

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

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

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

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

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

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

76 [~~(3)~~] (2) (a) The names of all persons nominated to be members of the committee shall be
77 submitted to the governor for confirmation or rejection.

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

80 [~~(4)~~] (3) (a) Except as required by Subsection (3)(b), the term of office of each committee
81 member is four years.

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

85 [~~(5)~~] (4) A committee member may not serve more than two consecutive terms.

86 [~~(6)~~] (5) The committee shall annually designate one of its members to serve as chair for
87 a one-year period.

88 [~~(7)~~] (6) When a vacancy occurs in the membership for any reason, the replacement shall
89 be appointed for the unexpired term.

90 [~~(8)~~] (7) A majority of the committee members constitutes a quorum for the transaction
91 of business.

92 [~~(9)~~] (8) (a) (i) Members who are not government employees shall receive no
93 compensation or benefits for their services, but may receive per diem and expenses incurred in the
94 performance of the member’s official duties at the rates established by the Division of Finance
95 under Sections 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

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

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

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

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

119 **62A-13-108. Service obligation -- Repayment -- Penalty.**

120 (1) (a) Before receiving a grant or a scholarship under this chapter, each recipient shall

121 enter into a contract with the state agreeing to the conditions upon which the grant or scholarship
122 is to be made.

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

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

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

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

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

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

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

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

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

145 (a) all scholarship money received;

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

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

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

- 152 (a) [~~repay~~] as a penalty, twice the total scholarship amount paid to him that is not yet
153 retired by his service, on a prorated basis according to a schedule established by the committee;
- 154 (b) 12% per annum interest on the unretired funds received under the scholarship
155 calculated from the date he received [~~each installment under~~] the scholarship until the date it is
156 repaid; and
- 157 (c) costs and expenses incurred in collection, including attorney fees.
- 158 (6) Amounts recovered and damages collected under this section shall be deposited as
159 dedicated credits to be used to carry out the provisions of this chapter.

Legislative Review Note
as of 1-16-01 5:16 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel