

Representative Steve Eliason proposes the following substitute bill:

MENTAL HEALTH PRACTITIONER AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill creates state income tax credits for psychiatrists and psychiatric mental health nurse practitioners under certain circumstances.

Highlighted Provisions:

This bill:

- ▶ requires the Division of Occupational and Professional Licensing within the Department of Commerce to issue a tax credit certificate to a psychiatrist or psychiatric mental health nurse practitioner who submits an application to the division and provides certain information to the division;
- ▶ defines terms;
- ▶ creates a refundable state income tax credit for a psychiatrist or a psychiatric mental health nurse practitioner who begins a new practice in the state;
- ▶ creates a refundable state income tax credit for a psychiatrist or a psychiatric mental health nurse practitioner who provides mental health services to an underserved population in the state;
- ▶ creates a refundable state income tax credit for a volunteer retired psychiatrist who provides mental health services to an underserved population; and
- ▶ limits the number of years in which the income tax credits may be claimed.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **58-1-111**, Utah Code Annotated 1953

33 **59-10-1111**, Utah Code Annotated 1953



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

36 Section 1. Section **58-1-111** is enacted to read:

37 **58-1-111. Tax credit certificate -- Psychiatrists and psychiatric mental health**
38 **nurse practitioners -- Underserved populations.**

39 (1) As used in this section:

40 (a) "Average of 30 hours or more per week" means that the quotient calculated when
41 dividing the claimant's total hours providing licensed services in the state during the taxable
42 year by the number of weeks in which the claimant is licensed in the state during the taxable
43 year is greater than or equal to 30.

44 (b) "Licensed services" means the provision of behavioral health treatment in the state
45 and within the scope of practice of a psychiatrist, a psychiatric mental health nurse practitioner
46 or a volunteer health practitioner.

47 (c) "Psychiatric mental health nurse practitioner" means an individual who:

48 (i) is licensed under Chapter 31b, Nurse Practice Act, for the practice of advanced
49 practice registered nursing as that term is defined in Section **58-31b-102**; and

50 (ii) holds a certification recognized by the American Nurses Credentialing Center of
51 the American Association of Colleges of Nursing as a psychiatric mental health nurse
52 practitioner.

53 (d) "Psychiatrist" means an individual who:

54 (i) is licensed as a physician under:

55 (A) Chapter 67, Utah Medical Practice Act;

56 (B) Chapter 67b, Interstate Medical Licensure Compact; or

57 (C) Chapter 68, Utah Osteopathic Medical Practice Act; and
 58 (ii) is board eligible for a psychiatry specialization recognized by the American Board
 59 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
 60 Specialists.

61 (e) "Underserved population" means:

62 (i) an individual located in a county of the third, fourth, fifth, or sixth class, as
 63 designated in Section [17-50-501](#); or

64 (ii) a Native American Indian.

65 (f) "Volunteer retired psychiatrist" means an individual:

66 (i) described in Subsection (1)(d) who, during the calendar year, did not receive
 67 payment for providing licensed services; or

68 (ii) (A) licensed under Chapter 81, Retired Volunteer Health Practitioner Act; and

69 (B) previously or currently board certified in psychiatry.

70 (2) (a) An individual who seeks to obtain a state income tax credit under Subsections
 71 [59-10-1111](#)(2) through (4) shall file an application with the division with respect to each
 72 taxable year in which the individual seeks a state income tax credit.

73 (b) An individual may qualify for a tax credit certificate under this section for no more
 74 than 10 taxable years for each tax credit.

75 (3) The application for a tax credit certificate under Subsection [59-10-1111](#)(2) shall
 76 require the individual to provide the following to the division:

77 (a) the date on which the individual obtained a license and the specialization described
 78 in Subsection (1)(c)(ii) or (d)(ii);

79 (b) ~~Ê~~→ (i) an attestation that the individual was licensed on or after January 1, 2017 to
 79a provide licensed services; or

79b (ii) ~~Ê~~← if the individual was licensed to provide licensed services prior to January 1, 2017,
 80 an attestation:

81 ~~Ê~~→ ~~[(ii)]~~ A ~~Ê~~← that the individual did not provide licensed services for the two calendar
 81a years

82 before the date the individual initially applied for the income tax credit under this subsection;

83 and

84 ~~Ê~~→ ~~[(iii)]~~ B ~~Ê~~← the date on which the individual resumed providing licensed services
 84a in the state;

85 and

86 (c) other information as required by the division by administrative rule adopted in
 87 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

88 (4) An application for a tax credit certificate under Subsection 59-10-1111(3) shall
89 require the individual to attest to the division:

90 (a) that the individual averaged 30 or more hours per week during the taxable year
91 providing licensed services;

92 (b) that the individual devoted 25% or more of the individual's total hours of licensed
93 services in the taxable year to an underserved population;

94 (c) the type of underserved population for which the individual provided services
95 during the taxable year; and

96 (d) other information as required by the division by administrative rule adopted in
97 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

98 (5) An application for a tax credit certificate under Subsection 59-10-1111(4) shall
99 require the individual to attest to the division:

100 (a) whether the individual is licensed under Subsection (1)(f)(i) or (ii);

101 (b) that the individual did not receive payment during the calendar year for providing
102 licensed services;

103 (c) that during the calendar year, the individual provided at least 300 hours of licensed
104 services to an underserved population, the homeless population or veterans, without receiving
105 payment for providing the licensed services;

106 (d) a description of the type of population described in Subsection (5)(c) for which the
107 individual provided licensed services; and

108 (e) other information as required by the division by administrative rule adopted in
109 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

110 (6) (a) The division shall issue a tax credit certificate in accordance with this
111 subsection.

112 (b) The tax credit certificate may state that an individual is entitled to:

113 (i) a tax credit under Subsection 59-10-1111(2) if the individual meets the
114 requirements of Subsection (3);

115 (ii) a tax credit under Subsection 59-10-1111(3) if the individual meets the
116 requirements of Subsection (4);

117 (iii) a tax credit under Subsection 59-10-1111(4) if the individual meets the
118 requirements of Subsection (5); or

119 (iv) a tax credit under Subsections 59-10-1111(2) and (3) if the individual meets the
120 requirements of Subsections (3) and (4).

121 (7) (a) The division may issue a tax credit certificate to an individual under Subsection
122 59-10-1111(2) for no more than 10 taxable years after the date on which the individual
123 resumed services under Subsection (3)(b)(ii).

124 (b) The division may issue a tax credit certificate to an individual under Subsections
125 59-10-1111(3) and (4) for no more than 10 taxable years.

126 (8) The division shall provide a copy of a tax credit certificate issued under this section
127 to the individual and the State Tax Commission.

128 Section 2. Section 59-10-1111 is enacted to read:

129 **59-10-1111. Refundable tax credit for psychiatrists, psychiatric mental health**
130 **nurse practitioners, and volunteer retired psychiatrists.**

131 (1) As used in this section:

132 (a) "Psychiatric mental health nurse practitioner" means the same as that term is
133 defined in Section 58-1-111.

134 (b) "Psychiatrist" means the same as that term is defined in Section 58-1-111.

135 (c) "Tax credit certificate" means a certificate issued by the Division of Occupational
136 and Professional Licensing under Section 58-1-111 certifying that the claimant is entitled to a
137 tax credit under this section.

138 (d) "Volunteer retired psychiatrist" means the same as that term is defined in Section
139 58-1-111.

140 (2) A claimant who is a psychiatrist or a psychiatric mental health nurse practitioner
141 and who submits a tax credit certificate issued by the Division of Occupational and
142 Professional Licensing under Subsection 58-1-111(3), may claim a refundable tax credit:

143 (a) as provided in this section; and

144 (b) in the amount of \$10,000.

145 (3) A claimant who is a psychiatrist or a psychiatric mental health nurse practitioner
146 and who submits a tax credit certificate under Subsection 58-1-111(4) may claim a refundable
147 tax credit:

148 (a) as provided in this section; and

149 (b) in the amount of \$10,000.

150 (4) A claimant who is a volunteer retired psychiatrist and who submits a tax credit
151 certificate under Subsection 58-1-111(5) may claim a refundable tax credit:

152 (a) as provided in this section; and

153 (b) in the amount of \$10,000.

154 (5) A claimant may claim a tax credit under Subsections (2) through (4) for no more
155 than 10 taxable years for each tax credit.

156 (6) (a) In accordance with any rules prescribed by the commission under Subsection
157 (6)(b), the commission shall make a refund to a claimant who claims a tax credit under this
158 section if the amount of the tax credit exceeds the claimant's tax liability for the taxable year.

159 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
160 commission may make rules providing procedures for making a refund to a claimant as
161 required by Subsection (6)(a).

162 Section 3. **Effective date.**

163 This bill takes effect ~~on~~ for a taxable year beginning on or after ← January 1,
163a 2017.