

CHILD MENTAL HEALTH AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Ann Millner

Cosponsors: Karen Kwan
Jennifer Dailey-Provost Mike Winder
Suzanne Harrison

LONG TITLE

General Description:

This bill relates to mental health services provided to a child.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the Office of Child Care to:
 - collaborate with the Division of Substance Abuse and Mental Health to deliver early childhood programs and child care throughout the state; and
 - coordinate services for training and education regarding child behavioral health;
- ▶ requires the Division of Substance Abuse and Mental Health to administer a grant program for the purpose of providing education regarding best practices for early childhood mental health support and interventions;
- ▶ changes the name of the "Psychiatric Consultation Program Account" to the "Psychiatric and Psychotherapeutic Consultation Program Account";
- ▶ amends the purposes for which the Psychiatric and Psychotherapeutic Consultation Program Account may be used to include early childhood mental health support and interventions; and
- ▶ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

29 This bill appropriates in fiscal year 2022:

30 ▶ to Department of Human Services -- Division of Substance Abuse and Mental
31 Health, Community Mental Health Services, as a one-time appropriation:

- 32 • From General Fund, One-time, \$500,000.

33 ▶ to Department of Human Services -- Division of Substance Abuse and Mental
34 Health, Community Mental Health Services, as an ongoing appropriation:

- 35 • From General Fund, \$500,000.

36 ▶ to Department of Human Services -- Executive Director Operations, Executive
37 Director's Office, as an ongoing appropriation:

- 38 • From General Fund, \$1,000,000.

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **35A-3-203**, as last amended by Laws of Utah 2020, Chapter 354

44 **62A-15-1601**, as enacted by Laws of Utah 2019, Chapter 447

45 **62A-15-1602**, as enacted by Laws of Utah 2019, Chapter 447

46 **63I-2-262**, as last amended by Laws of Utah 2020, Chapter 212

47 ENACTS:

48 **62A-15-120**, Utah Code Annotated 1953



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

51 Section 1. Section **35A-3-203** is amended to read:

52 **35A-3-203. Functions and duties of office -- Annual report.**

53 The office shall:

- 54 (1) assess critical child care needs throughout the state on an ongoing basis and focus
- 55 its activities on helping to meet the most critical needs;

- 56 (2) provide child care subsidy services for income-eligible children through age 12 and
57 for income-eligible children with disabilities through age 18;
- 58 (3) provide information:
- 59 (a) to employers for the development of options for child care in the work place; and
60 (b) for educating the public in obtaining quality child care;
- 61 (4) coordinate services for quality:
- 62 (a) child care training [~~and~~];
63 (b) child care resource and referral core services; and
64 (c) training and education regarding child behavioral health interventions and
65 competencies;
- 66 (5) apply for, accept, or expend gifts or donations from public or private sources;
- 67 (6) provide administrative support services to the committee;
- 68 (7) work collaboratively with the following for the delivery of quality child care, early
69 childhood programs, and school age programs throughout the state:
- 70 (a) the State Board of Education; [~~and~~]
71 (b) the Department of Health; and
72 (c) the Division of Substance Abuse and Mental Health within the Department of
73 Human Services;
- 74 (8) research child care programs and public policy to improve the quality and
75 accessibility of child care, early childhood programs, and school age programs in the state;
- 76 (9) provide planning and technical assistance for the development and implementation
77 of programs in communities that lack child care, early childhood programs, and school age
78 programs;
- 79 (10) provide organizational support for the establishment of nonprofit organizations
80 approved by the Child Care Advisory Committee, created in Section [35A-3-205](#);
- 81 (11) coordinate with the department to include in the annual written report described in
82 Section [35A-1-109](#) information regarding the status of child care in Utah; and
83 (12) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative

84 Rulemaking Act, and consistent with state and federal law, establishing the eligibility
85 requirements for a child care provider to receive a grant or subsidy, including for the following:

86 (a) providing child care for an income-eligible child [~~age 12~~] who is 12 years old or
87 younger; and

88 (b) providing child care for an income-eligible child with disabilities [~~age 18~~] who is
89 18 years old or younger.

90 Section 2. Section **62A-15-120** is enacted to read:

91 **62A-15-120. Early childhood mental health support grant program.**

92 (1) As used in this section:

93 (a) "Child care" means the child care services defined in Section [35A-3-102](#) for a child
94 during early childhood.

95 (b) "Child care provider" means a person who provides child care or mental health
96 support or interventions to a child during early childhood.

97 (c) "Early childhood" means the time during which a child is zero to six years old.

98 (d) "Project" means a project to provide education and training to child care providers
99 regarding evidence-based best practices for delivery of mental health support and interventions
100 during early childhood.

101 (2) On or before July 1, 2021, the division shall issue a request for proposals in
102 accordance with this section to award a grant to a public or nonprofit entity to implement a
103 project.

104 (3) The purpose of a project is to facilitate education about early childhood mental
105 health support and interventions.

106 (4) An application for a grant under this section shall provide details regarding:

107 (a) the education and training regarding early childhood mental health support and
108 interventions that the proposed project will provide to child care providers;

109 (b) how the proposed project plans to provide the education and training to child care
110 providers;

111 (c) the number of child care providers served by the proposed project;

112 (d) how the proposed project will ensure the education and training is effectively
113 provided to child care providers;

114 (e) the cost of the proposed project; and
115 (f) the sustainability of the proposed project.

116 (5) In evaluating a project proposal for a grant under this section, the division shall
117 consider:

118 (a) the extent to which the proposed project will fulfill the purpose described in
119 Subsection (3);

120 (b) the extent to which child care providers that will be served by the proposed project
121 are likely to benefit from the proposed project;

122 (c) the cost of the proposed project; and
123 (d) the viability of the proposed project.

124 (6) Before June 30, 2022, the division shall report to the Health and Human Services
125 Interim Committee regarding:

126 (a) each entity awarded a grant under this section; and
127 (b) the details of each project.

128 (7) Before June 30, 2024, the division shall report to the Health and Human Services
129 Interim Committee regarding:

130 (a) any knowledge gained from providing the education and training regarding early
131 childhood mental health support to child care providers;

132 (b) data gathered in relation to each project;

133 (c) recommendations for the future use of the education and training provided to child
134 care providers; and

135 (d) obstacles encountered in providing the education and training to child care
136 providers.

137 Section 3. Section **62A-15-1601** is amended to read:

138 **Part 16. Psychiatric and Psychotherapeutic Consultation Program Account**
139 **62A-15-1601. Definitions.**

140 As used in this part:

141 (1) "Account" means the Psychiatric and Psychotherapeutic Consultation Program
142 Account created in Section [62A-15-1602](#).

143 (2) "Child care" means the child care services defined in Section [35A-3-102](#) for a child
144 during early childhood.

145 (3) "Child care provider" means a person who provides child care or mental health
146 support or interventions to a child during early childhood.

147 (4) "Child mental health therapist" means a mental health therapist who:

148 (a) is knowledgeable and trained in early childhood mental health; and

149 (b) provides mental health services to children during early childhood.

150 (5) "Child mental health care facility" means a facility that provides licensed mental
151 health care programs and services to children and families and employs a child mental health
152 therapist.

153 (6) "Early childhood" means the time during which a child is zero to six years old.

154 (7) "Early childhood psychotherapeutic telehealth consultation" means a consultation
155 regarding a child's mental health care during the child's early childhood between a child care
156 provider or a mental health therapist and a child mental health therapist that is focused on
157 psychotherapeutic and psychosocial interventions and is completed through the use of
158 electronic or telephonic communication.

159 ~~[(2)]~~ (8) "Health care facility" means a facility that provides licensed health care
160 programs and services and employs at least two psychiatrists, at least one of whom is a child
161 psychiatrist.

162 (9) "Mental health therapist" means the same as that term is defined in Section
163 [58-60-102](#).

164 ~~[(3)]~~ (10) "Nurse practitioner" means an individual who is licensed to practice as an
165 advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act.

166 ~~[(4)]~~ (11) "Physician" means an individual licensed to practice as a physician or
167 osteopath under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah

168 Osteopathic Medical Practice Act.

169 [(5)] (12) "Physician assistant" means an individual who is licensed to practice as a
170 physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

171 [(6)] (13) "Primary care provider" means a nurse practitioner, physician, or physician
172 assistant.

173 [(7)] (14) "Psychiatrist" means an individual who:

174 (a) is licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act, or
175 Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

176 (b) is board eligible for a psychiatry specialization recognized by the American Board
177 of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic
178 Specialists.

179 [(8)] (15) "Telehealth psychiatric consultation" means a consultation regarding a
180 patient's mental health care, including diagnostic clarification, medication adjustment, or
181 treatment planning, between a primary care provider and a psychiatrist that is completed
182 through the use of electronic or telephonic communication.

183 Section 4. Section **62A-15-1602** is amended to read:

184 **62A-15-1602. Psychiatric and Psychotherapeutic Consultation Program Account.**

185 (1) There is created a restricted account within the General Fund known as the
186 "Psychiatric and Psychotherapeutic Consultation Program Account."

187 (2) The division shall administer the account in accordance with this part.

188 (3) The account shall consist of:

189 (a) money appropriated to the account by the Legislature; and

190 (b) interest earned on money in the account.

191 (4) Upon appropriation, the division shall award grants from the account to [~~one or~~
192 ~~more health care facilities~~]:

193 (a) at least one health care facility to implement a program that provides a primary care
194 provider access to a telehealth psychiatric consultation when the primary care provider is
195 evaluating a patient for or providing a patient mental health treatment[-]; and

196 (b) at least one child mental health care facility to implement a program that provides
197 access to an early childhood psychotherapeutic telehealth consultation to:

198 (i) a mental health therapist when the mental health therapist is evaluating a child for or
199 providing a child mental health treatment; or

200 (ii) a child care provider when the child care provider is providing child care to a child.

201 (5) The division may award and distribute grant money to a health care facility or child
202 mental health care facility only if the health care facility or child mental health care facility:

203 (a) is located in the state; and

204 (b) submits an application in accordance with Subsection (6).

205 (6) An application for a grant under this section shall include:

206 (a) the number of psychiatrists employed by the health care facility or the number of
207 child mental health therapists employed by the child mental health care facility;

208 (b) the health care facility's or child mental health care facility's plan to implement the
209 telehealth psychiatric consultation program or the early childhood psychotherapeutic telehealth
210 consultation program described in Subsection (4);

211 (c) the estimated cost to implement the telehealth psychiatric consultation program or
212 the early childhood psychotherapeutic telehealth consultation program described in Subsection
213 (4);

214 (d) any plan to use one or more funding sources in addition to a grant under this section
215 to implement the telehealth psychiatric consultation program or the early childhood
216 psychotherapeutic telehealth consultation program described in Subsection (4);

217 (e) the amount of grant money requested to fund the telehealth psychiatric consultation
218 program or the early childhood psychotherapeutic telehealth consultation program described in
219 Subsection (4); and

220 (f) any existing or planned contract or partnership between the health care facility and
221 another person to implement the telehealth psychiatric consultation program or the early
222 childhood psychotherapeutic telehealth consultation program described in Subsection (4).

223 (7) A health care facility or child mental health care facility that receives grant money

224 under this section shall file a report with the division before October 1 of each year that details
225 for the immediately preceding calendar year:

226 (a) the type and effectiveness of each service provided in the telehealth psychiatric
227 program or the early childhood psychotherapeutic telehealth consultation program;

228 (b) the utilization of the telehealth psychiatric program or the early childhood
229 psychotherapeutic telehealth consultation program based on metrics or categories determined
230 by the division;

231 (c) the total amount expended from the grant money; and

232 (d) the intended use for grant money that has not been expended.

233 (8) Before November 30 of each year, the division shall report to the Health and
234 Human Services Interim Committee regarding:

235 (a) the status of the account and expenditures made from the account; and

236 (b) a summary of any report provided to the division under Subsection (7).

237 Section 5. Section **63I-2-262** is amended to read:

238 **63I-2-262. Repeal dates -- Title 62A.**

239 (1) Subsection 62A-5-103.1(6) is repealed January 1, 2023.

240 [~~(2) Section 62A-5-111 is repealed January 1, 2021.~~]

241 (2) Section 62A-15-120 is repealed January 2, 2025.

242 Section 6. **Appropriation.**

243 The following sums of money are appropriated for the fiscal year beginning July 1,
244 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for
245 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
246 Act, the Legislature appropriates the following sums of money from the funds or accounts
247 indicated for the use and support of the government of the state of Utah.

248 ITEM 1

249 To Department of Human Services -- Division of Substance Abuse and Mental Health

250 From General Fund, One-time \$500,000

251 From General Fund \$500,000

252 Schedule of Programs:

253 Community Mental Health Services \$1,000,000

254 The Legislature intends that:

255 (1) the one-time appropriation under this item be used to create a public education
256 campaign for early childhood mental health intervention in the state;

257 (2) the ongoing appropriations under this item be used to award grants for the early
258 childhood mental health support grant program under Section 62A-15-120; and

259 (3) under Section 63J-1-603, the one-time appropriation under this item not lapse at the
260 close of fiscal year 2022 and the use of any nonlapsing funds is limited to the purpose
261 described in Subsection (1) of this item.

262 ITEM 2

263 To Department of Human Services - Executive Director Operations

264 From General Fund \$1,000,000

265 Schedule of Programs:

266 Executive Director's Office \$1,000,000

267 The Legislature intends that the appropriations under this item be used to support
268 stabilization services for children and families in the state.