

CHILD MENTAL HEALTH AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Ann Millner

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.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2022:



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

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

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

- 33 • From General Fund, \$500,000.

34 ▶ to Department of Human Service -- Executive Director Operations, Executive
35 Director's Office, as an ongoing appropriation:

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

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **35A-3-203**, as last amended by Laws of Utah 2020, Chapter 354

42 **62A-15-1601**, as enacted by Laws of Utah 2019, Chapter 447

43 **62A-15-1602**, as enacted by Laws of Utah 2019, Chapter 447

44 **63I-2-262**, as last amended by Laws of Utah 2020, Chapter 212

45 ENACTS:

46 **62A-15-120**, Utah Code Annotated 1953



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

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

50 **35A-3-203. Functions and duties of office -- Annual report.**

51 The office shall:

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

54 (2) provide child care subsidy services for income-eligible children through age 12 and
55 for income-eligible children with disabilities through age 18;

56 (3) provide information:

57 (a) to employers for the development of options for child care in the work place; and

58 (b) for educating the public in obtaining quality child care;

- 59 (4) coordinate services for quality:
- 60 (a) child care training [~~and~~];
- 61 (b) child care resource and referral core services; and
- 62 (c) training and education regarding child behavioral health interventions and
- 63 competencies;
- 64 (5) apply for, accept, or expend gifts or donations from public or private sources;
- 65 (6) provide administrative support services to the committee;
- 66 (7) work collaboratively with the following for the delivery of quality child care, early
- 67 childhood programs, and school age programs throughout the state:
- 68 (a) the State Board of Education; [~~and~~]
- 69 (b) the Department of Health; and
- 70 (c) the Division of Substance Abuse and Mental Health within the Department of
- 71 Human Services;
- 72 (8) research child care programs and public policy to improve the quality and
- 73 accessibility of child care, early childhood programs, and school age programs in the state;
- 74 (9) provide planning and technical assistance for the development and implementation
- 75 of programs in communities that lack child care, early childhood programs, and school age
- 76 programs;
- 77 (10) provide organizational support for the establishment of nonprofit organizations
- 78 approved by the Child Care Advisory Committee, created in Section [35A-3-205](#);
- 79 (11) coordinate with the department to include in the annual written report described in
- 80 Section [35A-1-109](#) information regarding the status of child care in Utah; and
- 81 (12) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
- 82 Rulemaking Act, and consistent with state and federal law, establishing the eligibility
- 83 requirements for a child care provider to receive a grant or subsidy, including for the following:
- 84 (a) providing child care for an income-eligible child [~~age 12~~] who is 12 years old or
- 85 younger; and
- 86 (b) providing child care for an income-eligible child with disabilities [~~age 18~~] who is
- 87 18 years old or younger.
- 88 Section 2. Section **62A-15-120** is enacted to read:
- 89 **62A-15-120. Early childhood mental health support grant program.**

90 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

112 (e) the cost of the proposed project; and

113 (f) the sustainability of the proposed project.

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

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

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

120 (c) the cost of the proposed project; and

- 121 (d) the viability of the proposed project.
- 122 (6) Before June 30, 2022, the division shall report to the Health and Human Services
- 123 Interim Committee regarding:
- 124 (a) each entity awarded a grant under this section; and
- 125 (b) the details of each project.
- 126 (7) Before June 30, 2024, the division shall report to the Health and Human Services
- 127 Interim Committee regarding:
- 128 (a) any knowledge gained from providing the education and training regarding early
- 129 childhood mental health support to child care providers;
- 130 (b) data gathered in relation to each project;
- 131 (c) recommendations for the future use of the education and training provided to child
- 132 care providers; and
- 133 (d) obstacles encountered in providing the education and training to child care
- 134 providers.

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

136 **Part 16. Psychiatric and Psychotherapeutic Consultation Program Account**

137 **62A-15-1601. Definitions.**

138 As used in this part:

- 139 (1) "Account" means the Psychiatric and Psychotherapeutic Consultation Program
- 140 Account created in Section [62A-15-1602](#).
- 141 (2) "Child care" means the child care services defined in Section [35A-3-102](#) for a child
- 142 during early childhood.
- 143 (3) "Child care provider" means a person who provides child care or mental health
- 144 support or interventions to a child during early childhood.
- 145 (4) "Child mental health therapist" means a mental health therapist who:
- 146 (a) is knowledgeable and trained in early childhood mental health; and
- 147 (b) provides mental health services to children during early childhood.
- 148 (5) "Child mental health care facility" means a facility that provides licensed mental
- 149 health care programs and services to children and families and employs a child mental health
- 150 therapist.
- 151 (6) "Early childhood" means the time during which a child is zero to six years old.

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

157 ~~[(2)]~~ (8) "Health care facility" means a facility that provides licensed health care
158 programs and services and employs at least two psychiatrists, at least one of whom is a child
159 psychiatrist.

160 (9) "Mental health therapist" means the same as that term is defined in Section
161 [58-60-102](#).

162 ~~[(3)]~~ (10) "Nurse practitioner" means an individual who is licensed to practice as an
163 advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act.

164 ~~[(4)]~~ (11) "Physician" means an individual licensed to practice as a physician or
165 osteopath under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah
166 Osteopathic Medical Practice Act.

167 ~~[(5)]~~ (12) "Physician assistant" means an individual who is licensed to practice as a
168 physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.

169 ~~[(6)]~~ (13) "Primary care provider" means a nurse practitioner, physician, or physician
170 assistant.

171 ~~[(7)]~~ (14) "Psychiatrist" means an individual who:

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

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

177 ~~[(8)]~~ (15) "Telehealth psychiatric consultation" means a consultation regarding a
178 patient's mental health care, including diagnostic clarification, medication adjustment, or
179 treatment planning, between a primary care provider and a psychiatrist that is completed
180 through the use of electronic or telephonic communication.

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

182 **62A-15-1602. Psychiatric and Psychotherapeutic Consultation Program Account.**

- 183 (1) There is created a restricted account within the General Fund known as the
184 "Psychiatric and Psychotherapeutic Consultation Program Account."
- 185 (2) The division shall administer the account in accordance with this part.
- 186 (3) The account shall consist of:
- 187 (a) money appropriated to the account by the Legislature; and
- 188 (b) interest earned on money in the account.
- 189 (4) Upon appropriation, the division shall award grants from the account to [~~one or~~
190 ~~more health care facilities~~]:
- 191 (a) at least one health care facility to implement a program that provides a primary care
192 provider access to a telehealth psychiatric consultation when the primary care provider is
193 evaluating a patient for or providing a patient mental health treatment[-]; and
- 194 (b) at least one child mental health care facility to implement a program that provides
195 access to an early childhood psychotherapeutic telehealth consultation to:
- 196 (i) a mental health therapist when the mental health therapist is evaluating a child for or
197 providing a child mental health treatment; or
- 198 (ii) a child care provider when the child care provider is providing child care to a child.
- 199 (5) The division may award and distribute grant money to a health care facility or child
200 mental health care facility only if the health care facility or child mental health care facility:
- 201 (a) is located in the state; and
- 202 (b) submits an application in accordance with Subsection (6).
- 203 (6) An application for a grant under this section shall include:
- 204 (a) the number of psychiatrists employed by the health care facility or the number of
205 child mental health therapists employed by the child mental health care facility;
- 206 (b) the health care facility's or child mental health care facility's plan to implement the
207 telehealth psychiatric consultation program or the early childhood psychotherapeutic telehealth
208 consultation program described in Subsection (4);
- 209 (c) the estimated cost to implement the telehealth psychiatric consultation program or
210 the early childhood psychotherapeutic telehealth consultation program described in Subsection
211 (4);
- 212 (d) any plan to use one or more funding sources in addition to a grant under this section
213 to implement the telehealth psychiatric consultation program or the early childhood

214 psychotherapeutic telehealth consultation program described in Subsection (4);

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

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

221 (7) A health care facility or child mental health care facility that receives grant money
222 under this section shall file a report with the division before October 1 of each year that details
223 for the immediately preceding calendar year:

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

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

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

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

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

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

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

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

236 **63I-2-262. Repeal dates -- Title 62A.**

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

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

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

240 Section 6. **Appropriation.**

241 The following sums of money are appropriated for the fiscal year beginning July 1,
242 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for
243 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
244 Act, the Legislature appropriates the following sums of money from the funds or accounts

245 indicated for the use and support of the government of the state of Utah.

246 ITEM 1

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

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

249 From General Fund \$500,000

250 Schedule of Programs:

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

252 The Legislature intends that:

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

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

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

260 ITEM 2

261 To Department of Human Services - Executive Director Operations

262 From General Fund \$1,000,000

263 Schedule of Programs:

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

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