

**R434. Health, Family Health and Preparedness, Primary Care and Rural Health.**  
**R434-20. Behavioral Health Workforce Reinvestment Initiative**

**R434-20-1. Purpose.**

This rule implements the Utah Behavioral Health Workforce Reinvestment Initiative, which awards grant funds to behavioral health professionals to repay loans taken for educational expenses, in exchange for serving for a specified period of time in a publicly funded facility in the state.

**R434-20-2. Authority.**

This rule is required by Sections 26-9-1 and 26-9-2, and is promulgated under the authority of Section 26-1-30.

**R434-20-3. Definitions.**

The definitions in Section 26-46-101 apply in this rule. In addition, the following definitions apply in this rule:

- (1) "Applicant" means an individual who submits a completed application.
- (2) "Approved site" means a site approved by the Department that meets the eligibility criteria established in this rule.
- (3) "Committee" means the Utah Health Care Workforce Advisory Committee created by Section 26-1-7.
- (4) "Department" means the Utah Department of Health.
- (5) "Educational expenses" means the cost of education in a health care profession, including books, education equipment, fees, materials, reasonable living expenses, supplies, and tuition.
- (6) "Educational loan" means a commercial, government, or government-guaranteed loan for educational expenses.
- (7) "Full-time equivalency" means a 40 hour work week.
- (8) "Grant" means a grant of funds under a grant agreement.
- (9) "Loan repayment" means a grant of funds under a grant to defray educational loans in exchange for service for a specified period of time at an approved site.
- (10) "Mental health therapist" means an individual licensed under:
  - (a) Title 58, Chapter 60, Mental Health Professional Practice Act, or Title 58, Chapter 61, Psychologist Licensing Act; or
  - (b) Title 58, Chapter 67, Utah Medical Practice Act, as a physician and surgeon, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as an osteopathic physician and surgeon who is engaged in the practice of mental health therapy.
- (11) "Nurse" means an individual licensed to practice nursing under Title 58, Chapter 31b, Nurse Practice Act, or under Title 58, Chapter 44a, Nurse Midwife Practice Act.
- (12) "Physician" means an individual licensed to practice under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (13) "Physician assistant" means an individual licensed to practice under Title 58, Chapter 70a, Physician Assistant Practice Act.
- (14) "Postgraduate training" means internship, practicum, preceptorship, or residency training required for health care professionals' licensure.

(15) "Publicly funded" means any behavioral health facility that is either administered or run by a state, local or municipal government agency, contracted with a government agency to provide services on behalf of the government agency, or receives a substantial amount of state or federal funding, either state or federal.

(16) "Recipient" means an applicant selected to receive a loan repayment or scholarship grant under the act.

(17) "Service obligation" means professional service rendered at an approved site for a minimum of three years in exchange for a loan repayment grant.

#### **R434-20-4. Behavioral Health Professionals Loan Repayment Grants -- Terms and Service.**

(1) The Department may provide loan repayment grants to behavioral health professionals to repay loans for educational expenses in exchange for their agreement to serve for a specified period of time at an approved site in the state.

(2) Loan repayment grants may only repay bona fide loans taken by a behavioral health professional for educational expenses incurred while pursuing an education at an institution that awards a degree that qualifies a behavioral health professional to practice in their chosen field.

(3) Loan repayment grants under this section may not:

(a) be used to satisfy other obligations owed by the behavioral health professional under any similar program and may not be used to repay a loan that is in default at the time of application; or

(b) be in an amount greater than the total outstanding balance on the loans taken for educational expenses, including accrued interest.

(4) The Department shall disburse a grant when the recipient has performed at least six months of service at the approved site.

#### **R434-20-5. Loan Repayment Grant Administration.**

(1) The Department may consider committee recommendations in awarding loan repayment grants.

(2) A loan repayment grant recipient shall provide information reasonably necessary for administration of the program upon request by the Department.

(3) The Department shall determine the total amount of the loan repayment grant.

(4) The loan repayment grant recipient may not enter into any other similar agreement until the recipient satisfies the service obligation described in the grant agreement.

(5) Before receiving a loan repayment grant, the applicant must enter into a grant agreement with the Department that binds the applicant to the terms of the program.

(6) A recipient shall have a permanent, unrestricted license to practice a health care specialty in Utah before the first day of service under the grant agreement and maintain it for the duration of the service obligation.

(7) Prior to beginning to fulfill the service obligation, the site must obtain approval from the Department where the recipient will complete the service obligation.

(8) A loan repayment grant recipient shall obtain approval from the Department prior to changing the site where the recipient will fulfill the service obligation.

**R434-20-6. Eligible Bona Fide Loans.**

(1) An eligible bona fide loan is a loan used to pay for educational expenses leading to a qualifying behavioral health professional degree approved by the Department.

(2) A bona fide loan includes the following:

(a) a commercial loan made by a bank, credit union, savings and loan association, insurance company, school, or credit institution;

(b) a loan made by a federal, state, county, or city agency; or

(c) a loan made by another person that is documented by a contract notarized at the time of the making of the loan, indicative of an arm's length transaction, and with competitive term and rate as other loans available to students.

**R434-20-7. Full-Time Equivalency Provisions for Recipients.**

(1) The grant award amount shall be based on a full-time equivalency of 40 hours per week.

(2) A loan repayment grant recipient who provides services for less than 40 hours per week may receive a proportionately lower loan repayment grant.

(3) The Department may approve an award for a work schedule of less than 40 hours per week if the applicant's employer can demonstrate that performing less than 40 hours per week at the work site combined with other activities, such as on-call service, is greater than or equal to a full time equivalency.

**R434-20-8. Approved Site Determination.**

(1) Applications to host award recipients shall be submitted for approval to the Department.

(2) The Department shall use the following criteria to approve a site:

(a) the percentage of the population in the service area with incomes under 200% of the federal poverty level;

(b) the percentage of the population 65 years of age and over;

(c) the percentage of the population under 18 years of age;

(d) the distance to the nearest behavioral health care professional;

(e) the barriers to reaching the health care professionals;

(f) the ability of the site to provide support facilities and services for the requested health care professional;

(g) the financial stability of the site;

(h) the percent of patients in the service area who are without insurance or whose care is paid for by government programs, such as Medicaid, Medicare, and CHIP, federal, state or county funds;

(i) the applicant's policy and practice to provide care regardless of a patient's ability to pay; and

(j) whether a site is publicly funded.

(3) The Department may give preference to sites that provide letters of support from other individuals in the area served by the prospective employer, including:

(a) county and civic leaders;

(b) hospital administrators;

(c) business leaders, local chamber of commerce, citizens;

(d) local health departments;

- (e) local substance abuse or mental health authorities, or their contracted providers; or
- (f) other municipal funded programs.

(5) The Department may give preference to sites located in a service area designated by the Secretary of Health and Human Services as having a shortage of behavioral health care professionals and that are requesting a behavioral health specialist.

(6) A site must offer a salary and benefit package competitive with salaries and benefits of other behavioral health care professionals in the service area.

(7) A site shall provide educational loan repayment assistance to the eligible professional in an amount equal to 10% of the total award amount.

#### **R434-20-9. Loan Repayment Grant Eligibility and Selection.**

(1) In selecting a grant recipient for a loan repayment grant award, the Department may evaluate the applicant based on the following selection criteria:

(a) the extent to which an applicant's training in a health care specialty is needed at an approved site;

(b) the applicant's commitment to serve in an underserved area, demonstrated by any of the following:

(i) prior work or volunteer experience at a community or migrant health center, homeless shelter, public health department clinic, county substance use or mental health agency;

(ii) prior work or educational experience with the medically underserved through the Peace Corps, VISTA, or a similar volunteer program;

(iii) has cultural or language skills that are essential for provision of health care services to the medically underserved; or

(iv) other facts or experience that the applicant can demonstrate to the Department that establishes a commitment to serve in an underserved area.

(c) the applicant's:

(i) academic standing;

(ii) board certification or eligibility for board certification;

(iii) postgraduate training;

(iv) peer recommendations;

(v) the availability of the applicant to begin service, with greater consideration being given to applicants available for service at earlier dates; or

(vi) other facts that the applicant can demonstrate to the Department that establishes the applicant's professional competence;

(d) the applicant's financial need;

(e) the applicant's intention to serve patients during the service obligation who are without insurance or whose care is paid for by government programs, such as Medicaid, Medicare, and CHIP, federal, state or county funds;

(f) the applicant's willingness to provide care regardless of a patient's ability to pay; and

(g) the applicant's ability and willingness to provide care.

(3) An applicant must be a United States citizen or permanent resident.

#### **R434-20-10. Loan Repayment Grant Service Obligation.**

(1) The recipient shall enter into a grant agreement that includes the conditions of the award.

(2) In exchange for financial assistance under the act, the recipient shall serve for a period established at the time of the award in an underserved area at a site approved by the Department. The service period may not be for less than 36 months,

(3) Financial assistance for the recipient's service in an underserved area at a site approved by the Department will be disbursed according to the schedule established by the Department at the time of the award.

(4) Periods of internship, preceptorship, or other clinical training shall not satisfy the service obligation.

#### **R434-20-11. Loan Repayment Grant Breach, Repayment, and Penalties.**

Penalties for a recipient who fails to complete the service obligation shall be made in accordance with the grant agreement.

#### **R434-20-12. Extension of Loan Repayment Grants.**

(1) The Department may extend the period within which the loan repayment grant recipient must complete the service obligation:

(a) if the loan repayment grant recipient has signed a grant agreement for three years the loan repayment grant recipient may apply on or after the first day of service under a loan repayment grant to extend the grant agreement by one year;

(b) a loan repayment grant may be extended only at an approved site; and

(c) a loan repayment grant recipient that wishes to extend a loan repayment grant must inform the Department in writing at least six months prior to the end of the current service obligation.

(2) The service obligation may be extended only at an approved site.

#### **R434-20-13. Release of Recipient from Service Obligation.**

(1) The Department may release, in full or in part, a recipient from the service obligation under the grant agreement without penalty:

(a) if the recipient fails to meet the conditions of the award or if it reasonably appears the recipient will not meet the loan repayment grant conditions due to circumstances beyond their control;

(b) if the recipient is unable to fulfill the service obligation due to permanent disability that prevents the recipient from performing any work for remuneration or profit;

(c) if the recipient dies; or

(d) for other good cause shown, as determined by the Department.

(2) Extreme hardship sufficient to release the recipient without penalty includes:

(a) inability to complete the required schooling or fulfill service obligation due to permanent disability that prevents the recipient from completing school or performing any work for remuneration or profit; or

(b) a family member, for which the recipient is the principal care giver, has a life-threatening chronic illness.

(3) The Department may develop alternative service obligation criteria that a loan repayment grant recipient may use to fulfill the service obligation if the loan repayment grant recipient is unable to fulfill the service obligation at an approved site due to reasons beyond the recipient's control.

**R434-20-14. Reporting Requirements of Award Recipients.**

The Department may require an award recipient to provide information regarding the academic performance, commitment to underserved areas, continuing financial need, service obligation fulfillment, and other information reasonably necessary for the administration of the program during the period the recipient is in school, postgraduate training, and during the period the award recipient is completing the service obligation.

**R434-20-15. Reporting Requirements of Approved Sites.**

The Department may require the approved site to provide information regarding the award recipients' performance, commitment to underserved areas, service obligation fulfillment, and other information reasonably necessary for the administration of the program during the period the award recipient is completing the service obligation.

**KEY: medically underserved, grants, scholarships**

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