

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 282 Session of
2007

INTRODUCED BY PETRONE, BISHOP, CALTAGIRONE, COSTA, CURRY, DALEY,
DeLUCA, DENLINGER, EACHUS, FABRIZIO, FRANKEL, FREEMAN,
GEORGE, GERGELY, GIBBONS, GOODMAN, GRELL, GRUCELA, HENNESSEY,
JAMES, JOSEPHS, KING, KOTIK, KULA, LEACH, LEVDANSKY, MANN,
McILHATTAN, MURT, MUSTIO, NAILOR, O'NEILL, PETRARCA, ROAE,
SAMUELSON, SIPTROTH, SOLOBAY, STABACK, STURLA, SURRA,
TANGRETTI, YUDICHAK, WALKO, WHEATLEY, WAGNER, BRENNAN AND
McGEEHAN, FEBRUARY 6, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 19, 2007

AN ACT

1 Providing for Commonwealth support for a Mental Health and
2 Mental Retardation Staff Member Loan Forgiveness Program and
3 an Alcohol and Drug Addiction Counselor Loan Forgiveness
4 Program for Commonwealth residents who graduate from
5 institutions of higher education and who apply their degrees
6 to careers as mental health and mental retardation staff
7 members in this Commonwealth.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Mental Health
12 and Mental Retardation Staff Member and Alcohol and Drug
13 Addiction Counselor Loan Forgiveness Programs Act.

14 Section 2. Findings and declaration of purpose.

15 The General Assembly finds and declares that:

16 (1) Community-based mental health, mental retardation
17 and alcohol and drug addiction treatment services offer

lifelong supports and opportunities for a meaningful quality of life, in fulfillment of Federal and State laws.

(2) Treatment of alcohol and other drug addiction is a crucial investment in our health care, in the stability of our families and in protecting the public safety.

(3) A qualified and stable work force is the key to quality community mental health and mental retardation services and to quality alcohol and drug addiction counseling services.

(4) The pool of qualified staff members has diminished.

(5) The number of college students planning to enter the mental health and mental retardation or the alcohol and drug addiction counseling professions appears to be inadequate to meet the need for staff members in this Commonwealth.

(6) Demand from industry and other opportunities attract potential staff members away from these professions.

(7) Payment of a portion of student loans for mental health and mental retardation staff members or alcohol and drug addiction counselors serves the important public purpose of encouraging new staff members to pursue careers in this Commonwealth.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Counselor." A counselor assistant, counselor or clinical supervisor.

"Licensed alcohol and drug addiction treatment facility." An

1 alcohol or drug addiction treatment facility licensed by the
2 Department of Health to provide addiction treatment services.

3 "Qualified alcohol and drug addiction loan forgiveness
4 applicant." A person who meets all of the following criteria:

5 (1) Is a resident of this Commonwealth.

6 (2) Has successfully completed a two-year or four-year
7 academic degree or diploma or graduate level academic degree
8 or diploma at an accredited college or university.

9 (3) Has been hired as a full-time counselor by a
10 licensed alcohol and drug addiction treatment facility.

11 (4) Has successfully completed the first six months of
12 full-time employment as a counselor at a licensed alcohol and
13 drug addiction treatment facility and remains in good
14 standing with the facility.

15 (5) Has borrowed through and has a current outstanding
16 balance with Guaranteed Stafford or Consolidation Loan
17 Programs administered by the Pennsylvania Higher Education
18 Assistance Agency.

19 "Qualified applicant." A qualified mental health and mental
20 retardation loan forgiveness applicant or a qualified alcohol
21 and drug addiction loan forgiveness applicant.

22 "Qualified mental health and mental retardation loan
23 forgiveness applicant." A person who meets all of the following
24 criteria:

25 (1) Is a resident of this Commonwealth.

26 (2) Has successfully completed a two-year or four-year
27 academic degree or diploma or graduate level academic degree
28 or diploma at an accredited college or university.

29 (3) Has been hired as a full-time staff member by a
30 county mental health or mental retardation service agency

1 within this Commonwealth through a merit or civil service
2 system approved by the Secretary of Public Welfare or by a
3 private provider that is under contract with either a county
4 to provide mental health or mental retardation services or
5 the Department of Public Welfare to provide behavioral health
6 rehabilitation services to individuals with developmental
7 disabilities.

8 (4) Has successfully completed the first six months of
9 full-time employment as a staff member at a county mental
10 health or mental retardation service agency or a private
11 provider under contract with either a county or the
12 Department of Public Welfare and remains in good standing
13 with the service agency or private provider.

14 (5) Performs staff duties at a county mental health or
15 mental retardation service agency within this Commonwealth or
16 at a private provider within this Commonwealth that is under
17 contract with either a county to provide mental health or
18 mental retardation services or the Department of Public
19 Welfare to provide behavioral health rehabilitation services
20 to individuals with developmental disabilities.

21 (6) Has borrowed through and has a current outstanding
22 balance with the agency-administered Guaranteed Stafford or
23 Consolidation Loan Programs administered by the Pennsylvania
24 Higher Education Assistance Agency.

25 (7) AGREES TO WORK IN THE FIELD FOR NO LESS THAN FOUR
26 YEARS. <—

27 "Staff member." A caseworker, direct support professional,
28 therapist, program coordinator or director.

29 Section 4. Mental Health and Mental Retardation Staff Member
30 Loan Forgiveness Program.

1 (a) Components.--Components shall be as follows:

2 (1) A qualified applicant who is selected for the Mental
3 Health and Mental Retardation Staff Member Loan Forgiveness
4 Program in accordance with this act shall be eligible for
5 payment by the agency of a portion of the debt incurred by
6 the applicant through the agency-administered Guaranteed
7 Stafford or Consolidation Loan Programs for the education
8 necessary to be a mental health or mental retardation staff
9 member in this Commonwealth if the qualified applicant enters
10 into a contract with the agency that requires the qualified
11 recipient to remain employed as a full-time mental health or
12 mental retardation staff member in this Commonwealth for a
13 period of two consecutive years.

14 (2) The agency may forgive a proportional part of the
15 applicant's loan so that the loan may be entirely forgiven
16 over four years of full-time staff work. No more than \$5,000
17 shall be forgiven in any year, and no more than \$20,000 shall
18 be forgiven for any applicant.

19 (3) Payments shall be made in accordance with the
20 procedures established by the agency.

21 (4) The contract entered into with the agency pursuant
22 to paragraph (1) shall be considered a contract with the
23 Commonwealth and shall include the following terms:

24 (i) The recipient shall agree to be employed by a
25 county mental health or mental retardation service agency
26 located within this Commonwealth or by a private provider
27 of mental health or mental retardation services FOR A
28 PERIOD OF NO LESS THAN FOUR YEARS IN THE FIELD.

29 (ii) The recipient shall permit the agency to
30 determine compliance with the work requirement and all

1 other terms of the contract.

2 (iii) Upon the recipient's death or total or
3 permanent disability, the agency shall nullify the
4 service obligation of the recipient.

5 (iv) If the recipient is convicted of or pleads
6 guilty or no contest to a felony, the agency shall have
7 the authority to terminate the recipient's service in the
8 program and demand repayment of the amount of the loan as
9 of the date of the conviction.

10 (v) Loan recipients who fail to begin or complete
11 the obligations contracted for shall pay to the agency
12 the amount of the loan received under the terms of the
13 contract pursuant to this section. Providing false
14 information or misrepresentation on an application or
15 verification of service shall be deemed a default.
16 Determination as to the time of the default shall be made
17 by the agency.

18 (b) Limitations.--A loan forgiveness award shall not be made
19 for a loan that is in default at the time of the application.
20 Loan forgiveness provided under the provisions of this act shall
21 not be awarded to a recipient of another Commonwealth-provided
22 loan forgiveness program concurrently.

23 Section 5. Alcohol and Drug Addiction Counselor Loan
24 Forgiveness Program.

25 (a) Components.--Components shall be as follows:

26 (1) A qualified applicant who is selected for the
27 Alcohol and Drug Addiction Counselor Loan Forgiveness Program
28 in accordance with this act shall be eligible for payment by
29 the agency of a portion of the debt incurred by the applicant
30 through the agency-administered Guaranteed Stafford or

1 Consolidation Loan Programs for the education necessary to be
2 an alcohol and drug addiction counselor in this Commonwealth
3 if the qualified applicant enters into a contract with the
4 agency that requires the qualified recipient to remain
5 employed as a full-time alcohol and drug addiction counselor
6 in this Commonwealth for a period of two consecutive years.

7 (2) The agency may forgive a proportional part of the
8 applicant's loan so that the loan may be entirely forgiven
9 over four years of full-time staff work. No more than \$5,000
10 shall be forgiven in any year, and no more than \$20,000 shall
11 be forgiven for any applicant.

12 (3) Payments shall be made in accordance with the
13 procedures established by the agency.

14 (4) The contract entered into with the agency pursuant
15 to paragraph (1) shall be considered a contract with the
16 Commonwealth and shall include the following terms:

17 (i) The recipient shall agree to be employed by a
18 licensed alcohol and drug addiction treatment facility
19 located within this Commonwealth FOR A PERIOD OF NO LESS <—
20 THAN FOUR YEARS IN THE FIELD.

21 (ii) The recipient shall permit the agency to
22 determine compliance with the work requirement and all
23 other terms of the contract.

24 (iii) Upon the recipient's death or total or
25 permanent disability, the agency shall nullify the
26 service obligation of the recipient.

27 (iv) If the recipient is convicted of or pleads
28 guilty or no contest to a felony, the agency shall have
29 the authority to terminate the recipient's service in the
30 program and demand repayment of the amount of the loan as

1 of the date of the conviction.

2 (v) Loan recipients who fail to begin or complete
3 the obligations contracted for shall pay to the agency
4 the amount of the loan received under the terms of the
5 contract pursuant to this section. Providing false
6 information or misrepresentation on an application or
7 verification of service shall be deemed a default.
8 Determination as to the time of the default shall be made
9 by the agency.

10 (b) Limitation.--A loan forgiveness award under this act
11 shall not be made for a loan that is in default at the time of
12 the application. Loan forgiveness provided under the provisions
13 of this act shall not be concurrently awarded to a recipient of
14 another Commonwealth-provided loan forgiveness program.

15 Section 6. Tax applicability.

16 Loan forgiveness repayments by a student shall not be
17 considered taxable income for purposes of Article II of the act
18 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
19 1971.

20 Section 7. Annual report.

21 (a) Development of report.--The agency shall publish a
22 report by October 1, 2007, and every year thereafter for the
23 immediately preceding fiscal year. The report shall include
24 information regarding the operation of the program, including:

25 (1) The number and amount of mental health and mental
26 retardation staff member and alcohol and drug addiction
27 counselor contracts executed and renewed for mental health
28 and mental retardation staff member loan forgiveness
29 applicants and alcohol and drug addiction counselor loan
30 forgiveness applicants.

1 (2) The number of defaulted mental health and mental
2 retardation staff member and alcohol and drug addiction
3 counselor contracts, reported by cause.

4 (3) The number of full-time staff employees of mental
5 health and mental retardation service agencies, the number of
6 full-time staff employees of private providers and the number
7 of full-time staff employees of licensed alcohol and drug
8 addiction facilities participating in the program, reported
9 by type of institution attended, including four-year
10 educational institutions, community colleges and independent
11 two-year colleges.

12 (4) The number and type of enforcement actions taken by
13 the agency.

14 (b) Submission.--The annual report shall be submitted to the
15 Governor, the chair and minority chair of the Appropriations
16 Committee of the Senate, the chair and minority chair of the
17 Appropriations Committee of the House of Representatives, the
18 chair and minority chair of the Education Committee of the
19 Senate, the chair and minority chair of the Education Committee
20 of the House of Representatives, the chair and minority chair of
21 the Public Health and Welfare Committee of the Senate and the
22 chair and minority chair of the Health and Human Services
23 Committee of the House of Representatives.

24 Section 8. Appeals.

25 The provision of this act shall be subject to 22 Pa. Code Ch.
26 121 (relating to student financial aid).

27 Section 9. Loan forgiveness awards.

28 Recipients of loan forgiveness awards under this act shall be
29 those mental health and mental retardation staff members or
30 alcohol and drug addiction counselors who are working in and who

1 have received a satisfactory rating from either a county office
2 of mental health or mental retardation service within this
3 Commonwealth, a private provider within this Commonwealth under
4 contract with a county or the Department of Public Welfare or a
5 licensed alcohol and drug addiction treatment facility. Mental
6 health or mental retardation staff members or alcohol and drug
7 addiction counselors shall be required to submit such
8 documentation of eligibility as the agency may require including
9 documentation to indicate full-time employment, as full-time
10 employment is defined by a county office, a private provider or
11 a licensed alcohol or drug addiction treatment facility. The
12 documentation shall be presented to the agency in the form of a
13 letter from the applicant's employer stating that the applicant
14 is employed by the mental health or mental retardation service
15 provider or a licensed alcohol and drug addiction facility and
16 that the applicant performs the applicant's duties in a
17 satisfactory manner.

18 Section 10. Funding.

19 Loan forgiveness awards under this act may be made to the
20 extent that funds are appropriated by the General Assembly and
21 are sufficient to cover the administration of the program. In
22 the event that funding is insufficient to fully fund
23 administration and all eligible applicants, priority shall be
24 given to renewal applicants. Thereafter, the agency shall
25 utilize a random lottery system for determining which applicants
26 receive loan forgiveness awards.

27 Section 11. Responsibility of agency.

28 The agency shall administer the Mental Health and Mental
29 Retardation Staff Member and Alcohol and Drug Addiction
30 Counselor Loan Forgiveness Programs established by this act and

1 shall adopt such regulations, policies, procedures and forms as
2 are necessary and not inconsistent with the provisions of this
3 act.

4 Section 12. Effective date.

5 This act shall take effect in 60 days.