

1 **MARRIAGE AND FAMILY THERAPIST**
2 **LICENSING AMENDMENTS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Karen Hale**

6 AN ACT RELATING TO OCCUPATIONAL AND PROFESSIONAL LICENSING; GRANTING
7 CERTAIN RULEMAKING AUTHORITY TO THE MARRIAGE AND FAMILY THERAPY
8 LICENSING BOARD; AMENDING EDUCATIONAL REQUIREMENTS FOR MARRIAGE
9 AND FAMILY THERAPISTS; ESTABLISHING REQUIREMENTS FOR MARRIAGE AND
10 FAMILY THERAPIST SUPERVISORS; MAKING TECHNICAL CORRECTIONS; AND
11 PROVIDING A GRANDFATHER CLAUSE.

12 This act affects sections of Utah Code Annotated 1953 as follows:

13 AMENDS:

14 **58-1-501**, as enacted by Chapter 297, Laws of Utah 1993

15 **58-60-303**, as enacted by Chapter 32, Laws of Utah 1994

16 **58-60-305**, as last amended by Chapter 28, Laws of Utah 1995

17 ENACTS:

18 **58-60-305.5**, Utah Code Annotated 1953

19 **58-60-307**, Utah Code Annotated 1953

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

21 Section 1. Section **58-1-501** is amended to read:

22 **58-1-501. Unlawful and unprofessional conduct.**

23 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under
24 this title and includes:

25 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or
26 attempting to practice or engage in any occupation or profession requiring licensure under this title
27 if the person is:

28 (i) not licensed to do so or not exempted from licensure under this title; or
29 (ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary,
30 or inactive license;

31 (b) impersonating another licensee or practicing an occupation or profession under a false
32 or assumed name, except as permitted by law;

33 (c) knowingly employing any other person to practice or engage in or attempt to practice
34 or engage in any occupation or profession licensed under this title if the employee is not licensed
35 to do so under this title;

36 (d) knowingly permitting the person's authority to practice or engage in any occupation or
37 profession licensed under this title to be used by another, except as permitted by law; or

38 (e) obtaining a passing score on a licensure examination, applying for or obtaining a
39 license, or otherwise dealing with the division or a licensing board through the use of fraud,
40 forgery, or intentional deception, misrepresentation, misstatement, or omission.

41 (2) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined as
42 unprofessional conduct under this title or under any rule adopted under this title and includes:

43 (a) violating, or aiding or abetting any other person to violate, any statute, rule, or order
44 regulating an occupation or profession under this title;

45 (b) violating, or aiding or abetting any other person to violate, any generally accepted
46 professional or ethical standard applicable to an occupation or profession regulated under this title;

47 (c) engaging in conduct that results in conviction of, or a plea of nolo contendere to, a
48 crime of moral turpitude or any other crime that, when considered with the functions and duties
49 of the occupation or profession for which the license was issued or is to be issued, bears a
50 reasonable relationship to the licensee's or applicant's ability to safely or competently practice the
51 occupation or profession;

52 (d) engaging in conduct that results in disciplinary action, including reprimand, censure,
53 diversion, probation, suspension, or revocation, by any other licensing or regulatory authority
54 having jurisdiction over the licensee or applicant in the same occupation or profession if the
55 conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings
56 under Section 58-1-401;

57 (e) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
58 chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the

59 ability of the licensee or applicant to safely engage in the occupation or profession;

60 (f) practicing or attempting to practice an occupation or profession regulated under this
61 title despite being physically or mentally unfit to do so;

62 (g) practicing or attempting to practice an occupation or profession regulated under this
63 title through gross incompetence, gross negligence, or a pattern of incompetency or negligence;

64 (h) practicing or attempting to practice an occupation or profession requiring licensure
65 under this title by any form of action or communication which is false, misleading, deceptive, or
66 fraudulent;

67 (i) practicing or attempting to practice an occupation or profession regulated under this
68 title beyond the scope of the licensee's competency, abilities, or education;

69 (j) practicing or attempting to practice an occupation or profession regulated under this
70 title beyond the scope of the licensee's license; ~~or~~

71 (k) verbally, physically, mentally, or sexually abusing or exploiting any person through
72 conduct connected with the licensee's practice under this title or otherwise facilitated by the
73 licensee's license~~[-]; or~~

74 (l) acting as a supervisor without meeting the qualification requirements for that position
75 that are defined by statute or rule.

76 Section 2. Section **58-60-303** is amended to read:

77 **58-60-303. Board.**

78 (1) There is created the Marriage and Family Therapist Licensing Board consisting of four
79 marriage and family therapists and one member from the general public.

80 (2) The board shall be appointed, serve terms, and be compensated in accordance with
81 Section 58-1-201.

82 (3) The ~~[duties and responsibilities of the]~~ board ~~[are in accordance]~~ shall:

83 (a) comply with the provisions of Sections 58-1-202 and 58-1-203~~[- In addition, the board~~
84 ~~shall:]~~;

85 ~~[(a)]~~ (b) designate one of its members on a permanent or rotating basis to assist the
86 division in review of complaints concerning unlawful or unprofessional practice by a licensee in
87 the respective profession regulated by the board, and to advise the division with respect to the
88 conduct of investigations of the complaints; and

89 ~~[(b)]~~ (c) disqualify any member from acting as presiding officer in any administrative

90 procedure in which that member has previously reviewed the complaint or advised the division.

91 Section 3. Section **58-60-305** is amended to read:

92 **58-60-305. Qualifications for licensure.**

93 All applicants for licensure as marriage and family therapists shall:

94 (1) submit an application on a form provided by the division;

95 (2) pay a fee determined by the department under Section 63-38-3.2;

96 (3) be of good moral character;

97 (4) produce certified transcripts evidencing completion of a masters or doctorate degree
 98 in marriage and family therapy from [~~an accredited institution of higher education recognized by~~
 99 ~~the division in collaboration with the board verifying satisfactory completion of an earned degree~~
 100 ~~resulting from education as follows~~]:

101 [~~(a) an earned doctorate degree in marriage and family therapy from]~~

102 (a) § [~~an institution] A PROGRAM~~ accredited by the Commission on Accreditation for
 102a Marriage and Family

103 Therapy Education; or

104 (b) an accredited institution meeting criteria for approval established by rule under Section
 105 58-1-203;

106 [~~(b) an earned doctorate degree in a field of education emphasizing human behavioral~~
 107 ~~studies and skill in therapy or counseling which is determined by the division in collaboration with~~
 108 ~~the board to be equivalent to the doctorate degree in Subsection (4)(a), and is obtained from an~~
 109 ~~accredited institution meeting criteria for approval established by rule under Section 58-1-203;]~~

110 (c) an earned master's degree in marriage and family therapy from an accredited
 111 institution meeting criteria for approval established by rule under Section 58-1-203;]

112 (d) [~~an earned master's degree in a field of education emphasizing human behavioral~~
 113 ~~studies and skill in therapy or counseling which is determined by the division in collaboration with~~
 114 ~~the board to be equivalent to the master's degree in Subsection (4)(c), and is obtained from an~~
 115 ~~accredited institution meeting criteria for approval established by rule under Section 58-1-203; or]~~

116 (e) [~~an earned master's or doctorate degree in a field of religious study with a documented~~
 117 ~~emphasis in marriage and family therapy determined by the division in collaboration with the~~
 118 ~~board to be equivalent to the education requirements in Subsection (4)(b) or (d);]~~

119 (5) have completed a minimum of 4,000 hours of marriage and family therapy training as
 120 defined by division rule under Section 58-1-203, in not less than two years, under the supervision

121 of a marriage and family therapist supervisor [~~approved by the division in collaboration with the~~
 122 ~~board~~] who meets the requirements of Section 58-60-307, and obtained after completion of the
 123 education requirement in Subsection (4);

124 (6) document successful completion of not less than 1,000 hours of supervised training in
 125 mental health therapy obtained after completion of the education requirement described in
 126 Subsection (4)(a) or (b), which training may be included as part of the 4,000 hours of training
 127 described in Subsection (5), and of which documented evidence demonstrates not less than 100
 128 of the supervised hours were obtained [~~under the~~] during direct, personal, face-to-face supervision
 129 [~~of~~] by a marriage and family therapist [~~approved by the division in collaboration with the board~~]
 130 supervisor qualified under Section 58-60-307; and

131 (7) pass the examination requirement established by division rule under Section 58-1-203.

132 Section 4. Section **58-60-305.5** is enacted to read:

133 **58-60-305.5. Qualification for licensure before May 1, 2000.**

134 (1) A person who was licensed under this chapter as of May 1, 2000, may apply for
 135 renewal of licensure without being required to fulfill the educational requirements described in
 136 Subsection 58-60-305(4).

137 (2) A person who seeks licensure under this chapter before July 1, 2002, need comply only
 138 with the licensure requirements in effect before May 1, 2000.

139 Section 5. Section **58-60-307** is enacted to read:

140 **58-60-307. Marriage and family therapist supervisors.**

141 (1) Each person acting as a marriage and family therapist supervisor shall:

142 (a) have at least five years of clinical experience as a marriage and family therapist since
 143 the date of first licensure; and

144 (b) either:

145 (i) be approved as a supervisor by § [~~the American Association § [of] FOR Marriage and~~
 145a **Family**

146 § [~~Therapists] THERAPY~~] **A NATIONAL PROFESSIONAL ORGANIZATION** ; or

147 (ii) meet the criteria established by rule.

148 (2) Persons who act as a supervisor without meeting the requirements of this section are
 149 subject to discipline for unprofessional conduct.

Legislative Review Note
as of 12-21-99 12:24 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel