

CLINICAL COUNSELOR - TITLE CHANGE

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions of the Professional Counselor Licensing Act related to professional counselors and certified professional counselor interns.

Highlighted Provisions:

This bill:

- ▶ changes the designation of individuals licensed under the act from licensed professional counselor to licensed clinical counselor and from certified professional counselor intern to certified clinical counselor; and
- ▶ makes name conforming changes to the title of the act and the title of the licensing board.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-60-401, as enacted by Chapter 32, Laws of Utah 1994

58-60-402, as enacted by Chapter 32, Laws of Utah 1994

58-60-403, as enacted by Chapter 32, Laws of Utah 1994

58-60-404, as last amended by Chapter 281, Laws of Utah 2001

58-60-405, as last amended by Chapter 281, Laws of Utah 2001

58-60-407, as enacted by Chapter 281, Laws of Utah 2001

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

Part 4. Clinical Counselor Licensing Act

Section 1. Section **58-60-401** is amended to read:

58-60-401. Title.

This part is known as the [~~Professional~~] "Clinical Counselor Licensing Act."

Section 2. Section **58-60-402** is amended to read:

58-60-402. Definitions.

In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

(1) "Board" means the [~~Professional~~] Clinical Counselor Licensing Board created in Section 58-60-403.

(2) "Practice of professional counseling" means the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior by the application of generally recognized professional counseling principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, symptoms of any of these, or maladaptive behavior.

Section 3. Section **58-60-403** is amended to read:

58-60-403. Board.

(1) There is created the [~~Professional~~] Clinical Counselor Licensing Board consisting of four [~~professional~~] licensed clinical counselors and one member from the general public.

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

(3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203. [~~In addition, the~~]

(4) The board shall:

(a) designate one of its members on a permanent or rotating basis to assist the division in review of complaints concerning unlawful or unprofessional practice by a licensee in the

profession regulated by the board and to advise the division with respect to the conduct of investigations of the complaints; and

(b) disqualify ~~[any]~~ a member from acting as presiding officer in ~~[any]~~ an administrative procedure in which that member has previously reviewed the complaint or advised the division.

Section 4. Section **58-60-404** is amended to read:

58-60-404. License classifications.

The division shall issue licenses to individuals qualified under the provisions of this part in the classification of:

- (1) a ~~[professional]~~ licensed clinical counselor; or
- (2) a certified ~~[professional]~~ clinical counselor ~~[intern]~~.

Section 5. Section **58-60-405** is amended to read:

58-60-405. Qualifications for licensure.

- (1) All applicants for licensure as a ~~[professional]~~ licensed clinical counselor shall:
 - (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63-38-3.2;
 - (c) be of good moral character;
 - (d) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of:
 - (i) an education and degree in an education program in counseling with a core curriculum defined by division rule under Section 58-1-203 preparing one to competently engage in mental health therapy; and
 - (ii) an earned doctoral or master's degree resulting from that education program;
 - (e) have completed a minimum of 4,000 hours of professional counselor training as defined by division rule under Section 58-1-203, in not less than two years, under the supervision of a ~~[professional]~~ licensed clinical counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or marriage and family therapist supervisor approved by the division in collaboration with the board, and obtained after completion of the education requirement in Subsection (1)(d);

(f) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection (1)(d), which training may be included as part of the 4,000 hours of training in Subsection (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct personal face to face supervision of a mental health therapist approved by the division in collaboration with the board; and

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

(2) (a) All applicants for certification as a [~~professional~~] certified clinical counselor [~~intern~~] shall comply with the provisions of Subsections (1)(a), (b), (c), and (d).

(b) An individual's certification as a [~~professional~~] certified clinical counselor [~~intern~~] is limited to the period of time necessary to complete clinical training as described in Subsections (1)(e) and (f) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the appropriate board that the individual is making reasonable progress toward passing of the qualifying examination for that profession or is otherwise on a course reasonably expected to lead to licensure, but the period of time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised clinical training requirement has been completed.

Section 6. Section **58-60-407** is amended to read:

58-60-407. Scope of practice -- Limitations.

(1) A licensed [~~professional~~] clinical counselor may engage in all acts and practices defined as the practice of professional counseling without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(2) (a) To the extent an individual has completed the educational requirements of Subsections 58-60-405(1)(a) through (1)(d), a certified [~~professional counseling intern~~] clinical counselor may engage in all acts and practices defined as the practice of professional counseling if the practice is:

(i) within the scope of employment as a certified [~~professional~~] clinical counselor with a public agency or private clinic as defined by division rule; and

(ii) under supervision of a qualified licensed mental health therapist as defined in Subsection 58-60-102(5).

(b) A certified [~~professional~~] clinical counselor [~~intern~~] may not engage in the independent practice of professional counseling.