

CLINICAL COUNSELOR - TITLE CHANGE

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Lorie D. Fowlke

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



28 **58-60-407**, as enacted by Chapter 281, Laws of Utah 2001



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

31 **Part 4. Clinical Counselor Licensing Act**

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

33 **58-60-401. Title.**

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

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

36 **58-60-402. Definitions.**

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

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

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

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

47 **58-60-403. Board.**

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

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

52 (3) The duties and responsibilities of the board are in accordance with Sections
53 58-1-202 and 58-1-203. [~~In addition, the~~]

54 (4) The board shall:

55 (a) designate one of its members on a permanent or rotating basis to assist the division
56 in review of complaints concerning unlawful or unprofessional practice by a licensee in the
57 profession regulated by the board and to advise the division with respect to the conduct of
58 investigations of the complaints; and

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

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

63 **58-60-404. License classifications.**

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

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

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

69 **58-60-405. Qualifications for licensure.**

70 (1) All applicants for licensure as a [~~professional~~] licensed clinical counselor shall:

- 71 (a) submit an application on a form provided by the division;
72 (b) pay a fee determined by the department under Section 63-38-3.2;
73 (c) be of good moral character;
74 (d) produce certified transcripts from an accredited institution of higher education

75 recognized by the division in collaboration with the board verifying satisfactory completion of:

76 (i) an education and degree in an education program in counseling with a core
77 curriculum defined by division rule under Section 58-1-203 preparing one to competently
78 engage in mental health therapy; and

79 (ii) an earned doctoral or master's degree resulting from that education program;

80 (e) have completed a minimum of 4,000 hours of professional counselor training as
81 defined by division rule under Section 58-1-203, in not less than two years, under the
82 supervision of a [~~professional~~] licensed clinical counselor, psychiatrist, psychologist, clinical
83 social worker, registered psychiatric mental health nurse specialist, or marriage and family
84 therapist supervisor approved by the division in collaboration with the board, and obtained
85 after completion of the education requirement in Subsection (1)(d);

86 (f) document successful completion of not less than 1,000 hours of supervised training
87 in mental health therapy obtained after completion of the education requirement in Subsection
88 (1)(d), which training may be included as part of the 4,000 hours of training in Subsection
89 (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were

90 obtained under the direct personal face to face supervision of a mental health therapist
91 approved by the division in collaboration with the board; and

92 (g) pass the examination requirement established by division rule under Section
93 58-1-203.

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

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

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

106 **58-60-407. Scope of practice -- Limitations.**

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

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

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

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

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

Legislative Review Note

as of 1-31-05 10:07 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0279

Clinical Counselor-Title Change

03-Feb-05

8:13 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst