

1 **AMENDMENTS TO MENTAL HEALTH**
2 **PROFESSIONAL PRACTICE ACT**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Patricia W. Jones**

6 House Sponsor: Lorie D. Fowlke

8 **LONG TITLE**

9 **General Description:**

10 This bill provides for licensing of substance abuse counselors.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ creates additional licenses for substance abuse counselors;
- 15 ▶ establishes standards for licensing substance abuse counselors;
- 16 ▶ addresses the supervision of substance abuse counselors;
- 17 ▶ provides for the transition to new requirements by current prospective licensees; and
- 18 ▶ makes technical changes.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **58-60-502**, as enacted by Chapter 184, Laws of Utah 1996

26 **58-60-503**, as enacted by Chapter 184, Laws of Utah 1996

27 **58-60-504**, as enacted by Chapter 184, Laws of Utah 1996

28 **58-60-506**, as enacted by Chapter 184, Laws of Utah 1996

29 **58-60-507**, as last amended by Chapter 131, Laws of Utah 2003

30 **58-60-508**, as enacted by Chapter 184, Laws of Utah 1996

31 **58-60-509**, as last amended by Chapter 131, Laws of Utah 2003

32 **58-60-510**, as enacted by Chapter 248, Laws of Utah 1997

33 ENACTS:

34 **58-60-511**, Utah Code Annotated 1953



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

37 Section 1. Section **58-60-502** is amended to read:

38 **58-60-502. Definitions.**

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

40 (1) "Approved agency" means an agency licensed by the Department of Human
41 Services or a general acute hospital or specialty hospital as defined in Section 26-21-2 and
42 licensed by the state Department of Health that:

43 (a) provides substance abuse services; and

44 (b) provides qualified mental health therapists in sufficient number to evaluate the
45 conditions of the clients being treated by [~~licensed substance abuse~~] counselors licensed under
46 this part employed by the approved agency to ensure that appropriate substance abuse services
47 are being given.

48 (2) "Board" means the Substance Abuse Counselor Licensing Board created in Section
49 58-60-503.

50 (3) "Direct supervision" means:

51 (a) a supervisor provides a minimum of one hour of supervision to the licensed
52 substance abuse counselor for every 40 hours of client care provided by the counselor, which
53 supervision may include group supervision;

54 (b) the supervision is conducted in a face-to-face manner, unless otherwise approved
55 on a case-by-case basis by the division in collaboration with the board; and

56 (c) a supervisor is available for consultation with the counselor at all times.

57 (4) "General supervision" shall be defined by the division by rule.

58 ~~[(4)]~~ (5) "Group supervision" means more than one ~~[licensed substance abuse]~~
59 counselor licensed under this part meets with the supervisor at the same time.

60 ~~[(5)]~~ (6) "Individual supervision" means only one ~~[licensed substance abuse]~~ counselor
61 licensed under this part meets with the supervisor at a given time.

62 ~~[(6)]~~ (7) (a) "Practice as a licensed substance abuse counselor" means providing
63 services as an employee of an approved agency under the general supervision of a licensed
64 mental health therapist, to individuals or groups of persons for conditions of substance abuse,
65 consistent with the education and training of a licensed substance abuse counselor required
66 under this part, and the standards and ethics of the profession as approved by the division in
67 collaboration with the board, and includes:

68 (i) administering the screening process by which a client is determined appropriate and
69 eligible for admission to a particular program;

70 (ii) conducting the administrative intake procedures for admission to a program;

71 (iii) conducting orientation of a client, including:

72 (A) describing the general nature and goals of the program;

73 (B) explaining rules governing client conduct and infractions that can lead to
74 disciplinary action or discharge from the program;

75 (C) explaining hours during which services are available in a nonresidential program;

76 (D) treatment costs to be borne by the client, if any; and

77 (E) describing the client's rights as a program participant;

78 (iv) conducting those assessment procedures by which a substance abuse counselor
79 identifies an individual's strengths, weaknesses, problems, and needs for the development of
80 the treatment ~~[program]~~ plan;

81 (v) participating in the process of treatment planning by which the substance abuse
82 counselor, the mental health therapist, and the client:

83 (A) identify and rank problems needing resolution;

84 (B) establish agreed upon immediate and long term goals; and

85 (C) decide on a treatment process and the resources to be utilized;

86 (vi) providing substance abuse counseling services to alcohol and drug abuse clients
87 and significant other persons in the client's life as part of a comprehensive treatment plan,
88 including the following, but not including mental health therapy:

89 (A) leading specific task-oriented groups, didactic groups, and group discussions;

90 (B) cofacilitating group therapy with a licensed mental health therapist; and

91 (C) engaging in one-on-one interventions and interactions coordinated and directly
92 supervised by a mental health therapist;

93 (vii) performing case management activities which bring services, agencies, resources,
94 or people together within a planned framework of action toward the achievement of established
95 goals, including, when appropriate, liaison activities and collateral contacts;

96 (viii) providing substance abuse crisis intervention services;

97 (ix) providing client education to individuals and groups concerning alcohol and other
98 drug abuse, including identification and description of available treatment services and
99 resources;

100 (x) identifying the needs of the client that cannot be met by the substance abuse
101 counselor or agency and referring the client to appropriate services and community resources;

102 (xi) developing and providing effective reporting and recordkeeping procedures and
103 services, which include charting the results of the assessment and treatment plan, writing
104 reports, progress notes, discharge summaries, and other client-related data; and

105 (xii) consulting with other professionals in regard to client treatment and services to
106 assure comprehensive quality care for the client.

107 (b) "Practice as a certified substance abuse counselor, certified substance abuse
108 counselor intern, or certified substance abuse counselor extern" means providing the services
109 described in Subsections (7)(a) and (b) under the direct supervision of a mental health therapist
110 or licensed substance abuse counselor.

111 [~~(b)~~] (c) "Practice as a licensed substance abuse counselor" does not include:

112 (i) the diagnosing of mental illness, including substance abuse, as defined in Section
113 58-60-102;

114 (ii) engaging in the practice of mental health therapy as defined in Section 58-60-102;

115 or

116 (iii) the performance of a substance abuse diagnosis, any other mental illness diagnosis,

117 or psychological testing.

118 [~~(7)~~] (8) "Program" means a residential or nonresidential program that provides

119 substance abuse services.

120 (9) "Substance abuse education program" means a formal program of substance abuse

121 education offered by an accredited institution of higher education that meets standards

122 established by the division by rule in collaboration with the board and includes a minimum of

123 300 hours of classroom education and a supervised field work practicum of at least 300 hours.

124 Section 2. Section **58-60-503** is amended to read:

125 **58-60-503. Board.**

126 (1) There is created the [~~Licensed~~] Substance Abuse Counselor Licensing Board

127 consisting of:

128 (a) three licensed substance abuse counselors;

129 (b) three mental health therapists qualified by education and experience to treat

130 substance abuse and who are currently practicing in the substance abuse field; and

131 (c) one public member.

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

133 (3) The duties and responsibilities of the board are in accordance with Sections

134 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a

135 permanent or rotating basis to:

136 (a) assist the division in reviewing complaints concerning the unlawful or

137 unprofessional conduct of a licensee; and

138 (b) advise the division in its investigation of these complaints.

139 (4) A board member who has, under Subsection (3), reviewed a complaint or advised

140 in the investigation of a complaint may be disqualified from participating with the board when

141 the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

142 Section 3. Section **58-60-504** is amended to read:

143 **58-60-504. License classification.**

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

- 146 (1) licensed substance abuse counselor[-];
- 147 (2) certified substance abuse counselor;
- 148 (3) certified substance abuse counselor intern; and
- 149 (4) certified substance abuse counselor extern.

150 Section 4. Section **58-60-506** is amended to read:

151 **58-60-506. Qualifications for licensure on and after July 1, 2007.**

152 (1) An applicant for licensure [~~as a licensed substance abuse counselor~~] under this part
153 on and after July 1, [1998] 2007, must meet the following qualifications:

- 154 (a) submit an application in a form prescribed by the division;
- 155 (b) pay a fee determined by the department under Section 63-38-3.2;
- 156 (c) be of good moral character;

157 [~~(d) (i) produce certified transcripts from an accredited institution of higher education~~
158 ~~meeting standards established by division rule made in collaboration with the board verifying~~
159 ~~satisfactory completion of an earned degree resulting from education as follows:]~~

160 [~~(A) a baccalaureate or graduate degree from a substance abuse counselor program~~
161 ~~meeting standards established by division rule made in collaboration with the board; or]~~

162 [~~(B) a baccalaureate or graduate degree in a behavior science field meeting standards~~
163 ~~established by rule by the division in collaboration with the board and also documentation of~~
164 ~~4,000 hours of supervised qualifying experience meeting standards established by division rule~~
165 ~~made in collaboration with the board, which experience is performed after completing the~~
166 ~~degree requirement under this subsection and within a two-year period; or]~~

167 [~~(ii) document completion of the following:]~~

168 [~~(A) high school diploma or equivalent;]~~

169 [~~(B) completion of 300 hours of addiction counseling specific training as defined by~~

170 ~~division rule made in collaboration with the board; and]~~

171 ~~[(C) completion of 6,000 hours of supervised experience in not less than three years,~~
172 ~~which include a 300-hour supervised practicum meeting standards established by division rule~~
173 ~~made in collaboration with the board; and]~~

174 ~~[(e) pass the examination requirement established by rule under Section 58-1-203.]~~

175 (d) satisfy the requirements of Subsection (2), (3), (4), or (5) respectively; and

176 (e) except for licensure as a certified substance abuse counselor intern, satisfy the
177 examination requirement established by rule under Section 58-1-203.

178 (2) An applicant for licensure as a licensed substance abuse counselor shall meet one of
179 the following:

180 (a) The applicant shall produce:

181 (i) certified transcripts from an accredited institution of higher education meeting
182 standards established by the division by rule in collaboration with the board verifying
183 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;

184 (ii) documentation of the applicant's completion of a substance abuse education
185 program; and

186 (iii) documentation of the applicant's completion of 2,000 hours of supervised
187 experience in substance abuse treatment:

188 (A) meeting standards established by the division in collaboration with the board; and

189 (B) performed within a two-year period after the applicant's completion of the
190 substance abuse education program described in Subsection (2)(a)(ii).

191 (b) The applicant shall produce:

192 (i) certified transcripts from an accredited institution meeting standards established by
193 the division by rule in collaboration with the board verifying satisfactory completion of a
194 baccalaureate or graduate degree or a high school diploma or equivalent;

195 (ii) documentation of the applicant's completion of a substance abuse education
196 program; and

197 (iii) documentation of the applicant's completion of 4,000 hours of supervised

198 experience in substance abuse treatment:

199 (A) meeting standards established by the division in collaboration with the board; and

200 (B) performed within a four-year period after the applicant's completion of the

201 substance abuse education program described in Subsection (2)(b)(ii).

202 (c) Before January 1, 2009, the applicant shall produce:

203 (i) certified transcripts from an accredited institution of higher education meeting

204 standards established by the division by rule in collaboration with the board verifying

205 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;

206 and

207 (ii) documentation of the applicant's completion of 4,000 hours of supervised

208 experience in substance abuse treatment:

209 (A) meeting standards established by the division in collaboration with the board; and

210 (B) performed within a four-year period.

211 (d) Before January 1, 2009, the applicant shall produce:

212 (i) certified transcripts from an accredited institution meeting standards established by

213 the division by rule in collaboration with the board verifying satisfactory completion of a

214 baccalaureate or graduate degree or a high school diploma or equivalent; and

215 (ii) documentation of the applicant's completion of 6,000 hours of supervised

216 experience in substance abuse treatment:

217 (A) meeting standards established by the division in collaboration with the board; and

218 (B) performed within a six-year period.

219 (3) An applicant for licensure as a certified substance abuse counselor shall meet one

220 of the following:

221 (a) The applicant shall produce:

222 (i) certified transcripts from an accredited institution of higher education meeting

223 standards established by the division by rule in collaboration with the board verifying

224 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;

225 and

226 (ii) documentation of the applicant's completion of a substance abuse education
227 program.

228 (b) The applicant shall produce:

229 (i) certified transcripts from an accredited institution meeting standards established by
230 the division by rule in collaboration with the board verifying satisfactory completion of a
231 baccalaureate or graduate degree or a high school diploma or equivalent; and

232 (ii) documentation of the applicant's completion of a substance abuse education
233 program.

234 (c) Before January 1, 2009, the applicant shall produce certified transcripts from an
235 accredited institution of higher education meeting standards established by the division by rule
236 in collaboration with the board verifying satisfactory completion of a baccalaureate or graduate
237 degree in behavioral or social sciences.

238 (d) Before January 1, 2009, the applicant shall produce certified transcripts from an
239 accredited institution meeting standards established by the division by rule in collaboration
240 with the board verifying satisfactory completion of a baccalaureate or graduate degree or a high
241 school diploma or equivalent.

242 (4) (a) An applicant for licensure as a certified substance abuse counselor intern shall
243 meet the requirements for licensure as a certified substance abuse counselor under Subsection
244 (3).

245 (b) A certified substance abuse counselor intern license expires at the earlier of:

246 (i) the licensee passing the examination required for licensure as a certified substance
247 abuse counselor; or

248 (ii) six months after the certified substance abuse counselor intern license is issued.

249 (5) (a) An applicant for licensure as a certified substance abuse counselor extern shall
250 meet the requirements of Subsection (2)(a)(iii) or (2)(b)(iii).

251 (b) A certified substance abuse counselor extern license is valid for two years from the
252 day on which it is issued or until January 1, 2010, whichever comes first.

253 (c) A certified substance abuse counselor extern whose license expires before the

254 licensee completes a substance abuse education program under Subsection (2)(a)(ii) or
255 (2)(b)(ii) may not practice under this part until the licensee meets the requirements of
256 Subsection (2) or (3).

257 Section 5. Section **58-60-507** is amended to read:

258 **58-60-507. Qualifications for admission to examination.**

259 All applicants for admission to any examination qualifying an individual for licensure
260 under this part shall:

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

262 (2) pay the fee established for the examination[~~and~~].

263 [~~(3) certify under penalty of perjury as evidenced by notarized signature on the~~
264 ~~application for admission to the examination that the applicant has completed the education or~~
265 ~~experience requirements, or both, as required under Section 58-60-506.]~~

266 Section 6. Section **58-60-508** is amended to read:

267 **58-60-508. Core functions of the mental health therapist supervisor.**

268 (1) Each supervisor of licensed substance abuse counselors shall:

269 [(1)] (a) be a licensed mental health therapist qualified by education and experience to
270 treat substance abuse;

271 [(2)] (b) be currently working in the substance abuse treatment field;

272 [(3)] (c) review substance abuse counselor assessment procedures;

273 [(4)] (d) provide substance abuse diagnosis and other mental health diagnoses in
274 accordance with [~~Subsections 58-1-501(2)(b) and~~] Subsection 58-60-102(7);

275 [(5)] (e) participate in the development of a treatment plan;

276 [(6)] (f) approve the treatment plan; and

277 [(7)] ~~provide direct supervision, for the following number of counselors, unless~~
278 ~~otherwise approved by the division in collaboration with the board:]~~

279 [(a)] ~~not more than ten substance abuse counselors if providing individual supervision;~~
280 ~~and]~~

281 [(b)] ~~not more than five substance abuse counselors at one time, and not more than a~~

282 total of ten, if providing group supervision.]

283 (g) provide direct supervision for not more than five persons, unless granted an
284 exception in writing from the board and the division.

285 (2) Each supervisor of a certified substance abuse counselor, certified substance abuse
286 counselor intern, or certified substance abuse counselor extern shall:

287 (a) be a licensed substance abuse counselor with at least one year of experience as a
288 licensed substance abuse counselor;

289 (b) be currently working in the substance abuse field; and

290 (c) provide direct supervision for no more than three persons, unless granted an
291 exception in writing from the board and the division.

292 Section 7. Section **58-60-509** is amended to read:

293 **58-60-509. Confidentiality -- Exemptions.**

294 (1) A [~~licensed substance abuse counselor~~] licensee under this part may not disclose
295 any confidential communication with a client or patient without the express consent of:

296 (a) the client or patient;

297 (b) the parent or legal guardian of a minor client or patient; or

298 (c) the authorized agent of a client or patient.

299 (2) A [~~licensed substance abuse counselor~~] licensee under this part is not subject to
300 Subsection (1) if:

301 (a) he is permitted or required by state or federal law, rule, regulation, or order to report
302 or disclose any confidential communication, including:

303 (i) reporting under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting
304 Requirements;

305 (ii) reporting under Title 62A, Chapter 3, Part 3, Abuse, Neglect, or Exploitation of
306 [~~Disabled Adult~~] Vulnerable Adults;

307 (iii) reporting under Title 78, Chapter 14a, Limitation of Therapist's Duty to Warn; and

308 (iv) reporting of a communicable disease as required under Section 26-6-6;

309 (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made

310 under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or

311 (c) the disclosure is made under a generally recognized professional or ethical standard
312 that authorizes or requires the disclosure.

313 Section 8. Section **58-60-510** is amended to read:

314 **58-60-510. Evidentiary privilege.**

315 Evidentiary privilege for ~~[licensed substance abuse counselors regarding]~~ a licensee
316 under this part concerning admissibility of any confidential communication in administrative,
317 civil, or criminal proceedings is in accordance with Rule 506, Utah Rules of Evidence.

318 Section 9. Section **58-60-511** is enacted to read:

319 **58-60-511. Experience requirement -- Transition of licensing and experience.**

320 (1) Except as otherwise approved in writing by the board and the division, hours of
321 experience required by Section 58-60-506 that are earned after January 1, 2008, shall be earned
322 while the person earning the hours is licensed under this part.

323 (2) An applicant working toward licensure under rules in effect before July 1, 2007
324 who has 200 or more hours of addiction-specific training conducted at an approved agency
325 before July 1, 2007 may apply in writing to extend the time to complete the remainder of the
326 training requirement until July 1, 2008.

327 (3) (a) The division may grant an applicant credit for up to 3,000 hours of experience
328 required under this part for hours completed before January 1, 2008.

329 (b) The division shall grant a request for credit under Subsection (3)(a) if the
330 experience completed before January 1, 2008 is reasonably equivalent to the experience
331 required by this part.