

1 **LICENSING OF VOCATIONAL**
2 **REHABILITATION COUNSELORS**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ronda Rudd Menlove**

6 Senate Sponsor: Peter C. Knudson

8 **LONG TITLE**

9 **General Description:**

10 This bill provides for the licensing of vocational rehabilitation counselors by the
11 Division of Occupational and Professional Licensing.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ enacts the Vocational Rehabilitation Counselors Licensing Act;
- 15 ▶ provides definitions regarding a licensed vocational rehabilitation counselor and the
16 practice of providing vocational rehabilitation services;
- 17 ▶ creates the Vocational Rehabilitation Counselors Licensing Board and provides for
18 its duties and responsibilities;
- 19 ▶ provides for licensing qualifications, for licensure by credential, for the term of the
20 license and its renewal, and for exemptions from licensure;
- 21 ▶ provides grounds for the denial, suspension, or revocation of a license or restrictions
22 placed on a license issued under the act; and
- 23 ▶ defines unlawful and unprofessional conduct as related to licensed vocational
24 rehabilitation counselors.

25 **Monies Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **58-78-101**, Utah Code Annotated 1953

32 **58-78-102**, Utah Code Annotated 1953

33 **58-78-201**, Utah Code Annotated 1953

34 **58-78-301**, Utah Code Annotated 1953

35 **58-78-302**, Utah Code Annotated 1953

36 **58-78-303**, Utah Code Annotated 1953

37 **58-78-304**, Utah Code Annotated 1953

38 **58-78-401**, Utah Code Annotated 1953

39 **58-78-501**, Utah Code Annotated 1953

40 **58-78-502**, Utah Code Annotated 1953



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

43 Section 1. Section **58-78-101** is enacted to read:

44 **CHAPTER 78. VOCATIONAL REHABILITATION COUNSELORS**

45 **LICENSING ACT**

46 **Part 1. General Provisions**

47 **58-78-101. Title.**

48 This chapter is known as the "Vocational Rehabilitation Counselors Licensing Act."

49 Section 2. Section **58-78-102** is enacted to read:

50 **58-78-102. Definitions.**

51 In addition to the definitions in Section 58-1-102, as used in this chapter:

52 (1) "Board" means the Vocational Rehabilitation Counselors Licensing Board created
53 in Section 58-78-201.

54 (2) "Licensed vocational rehabilitation counselor" means an individual licensed under
55 this chapter who is engaged in the practice of providing vocational rehabilitation services.

56 (3) "Practice of providing vocational rehabilitation services" means rendering or
57 offering to an individual, group, organization, or the general public vocational rehabilitation
58 services:

90 58-78-304, a license is required to engage in the practice of vocational rehabilitation
 91 counseling.

92 (2) The division shall issue to an individual who qualifies under this chapter a license
 93 to practice vocational rehabilitation counseling.

94 Section 5. Section **58-78-302** is enacted to read:

95 **58-78-302. Qualifications for licensure -- Licensure by credential.**

96 (1) Except as provided in Subsection ~~H~~→ [(2)] (4) ~~H~~→ , an applicant for licensure as a
 96a vocational
 97 rehabilitation counselor under this chapter shall:

98 (a) submit an application in a form as prescribed by the division;

99 (b) pay a fee determined by the department under Section 63J-1-303 ~~S~~→ to recover the
 99a costs of administering licensing requirements relating to vocational rehabilitation counselors ~~S~~→ ;

100 (c) be of good moral character;

101 (d) provide satisfactory evidence of having earned a master's degree in rehabilitation
 102 counseling or a related field ~~H~~→ [and] ;

102a (e) provide satisfactory evidence of having ~~H~~→ 4,000 hours of ~~S~~→ disability related ~~S~~→
 102a1 work experience under the
 102b supervision of a

103 licensed vocational rehabilitation counselor ~~H~~→ , except as otherwise provided in

103a Subsection (2) ~~H~~→ ; and

104 ~~H~~→ [(e)] (f) ~~H~~→ after January 1, 2011, meet the examination requirement established by rule
 104a by the
 105 division in collaboration with the board.

106 (2) ~~H~~→ Beginning January 1, 2010, and ending December 31, ~~S~~→ [2011] 2010 ~~S~~→ , an
 1061a applicant is not
 106a required to verify that the 4,000 hours of work experience required under Subsection (1)(e)
 106b was done under the supervision of a vocational rehabilitation counselor licensed under this
 106c chapter.

106d (3) An applicant may satisfy the requirement of Subsection (1)(d) if, prior to January 1,
 106e 2011, the applicant provides satisfactory evidence of:

106f (a) having earned a bachelor's degree from an accredited institution;

106g (b) at least ten years experience in vocational rehabilitation counseling or a
 106g1 ~~S~~→ disability ~~S~~→ related
 106h field;

106i (c) currently practicing vocational rehabilitation counseling in Utah; and

106j (d) holding a national certification as a:

106k (i) Certified Rehabilitation Counselor;

106l (ii) Certified Vocational Evaluator; or

106m **(iii) Certified Disability Management Specialist.**
 106n **(4) ←Ĥ** The division may issue a license under this chapter to an individual who is licensed
 107 in another state or jurisdiction to practice vocational rehabilitation counseling if the division
 108 finds that the other state or jurisdiction has substantially the same or higher licensure
 109 requirements as this state.

110 Section 6. Section **58-78-303** is enacted to read:

111 **58-78-303. Term of license -- Expiration -- Renewal.**

112 (1) The division shall issue each license under this chapter in accordance with **Ŝ→ [a**
 113 **two-year] an annual ←Ŝ renewal cycle established by rule.**

114 (2) **Ŝ→ [The division may extend or shorten a renewal cycle by as much as one year to**
 115 **maintain an established renewal cycle or to change an established renewal cycle.**

116 ~~——(3)~~ **←Ŝ** Each license automatically expires on the expiration date shown on the license
 117 unless renewed by the licensee in accordance with Section 58-1-308.

117a **Ĥ→ Ŝ→ [(4)] (3) ←Ŝ** **Each person holding a license under this chapter as a vocational**
 117a1 **rehabilitation**
 117b **counselor shall complete in each **Ŝ→ [two-year] ←Ŝ** period of licensure a program of**
 117b1 **qualifying**
 117c **continuing professional education in accordance with standards defined by rule. ←Ĥ**

118 Section 7. Section **58-78-304** is enacted to read:

119 **58-78-304. Exemption from licensure.**

120 In addition to the exemptions from licensure in Section 58-1-307, the following may

121 engage in the practice of vocational rehabilitation counseling subject to the stated
122 circumstances and limitations, without being licensed under this chapter if they do not use the
123 title of vocational rehabilitation counselor or are not directly represented or held out to the
124 public to be legally qualified to engage in the practice of vocational rehabilitation counseling
125 before the public in this state:

- 126 (1) an individual employed or supervised by a licensed vocational rehabilitation
- 127 counselor while carrying out specific tasks under the licensee's supervision; and
- 128 (2) a priest, rabbi, or minister of the gospel of any religious denomination.

129 Section 8. Section **58-78-401** is enacted to read:

130 **Part 4. License Denial and Discipline**

131 **58-78-401. Grounds for denial of license -- Disciplinary proceedings.**

132 Grounds for the division to refuse to issue a license to an applicant under this chapter,
133 to refuse to renew the license of a licensee, to revoke, suspend, restrict, or place on probation
134 the license of a licensee, to issue a public or private reprimand to a licensee, and to issue a
135 cease and desist order to a licensee shall be in accordance with Section 58-1-401.

136 Section 9. Section **58-78-501** is enacted to read:

137 **Part 5. Unlawful and Unprofessional Conduct**

138 **58-78-501. Unlawful conduct.**

139 In addition to the definition in Section 58-1-501, "unlawful conduct" includes using the
140 title "vocational rehabilitation counselor" or any other title or designation tending to indicate
141 that the individual is a vocational rehabilitation counselor unless the individual has a current
142 license as a vocational rehabilitation counselor issued under this chapter.

143 Section 10. Section **58-78-502** is enacted to read:

144 **58-78-502. Unprofessional conduct.**

145 "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501 and
146 as may be further defined by rule, engaging in an act or practice in a professional capacity
147 which the licensee is not competent to perform through training or experience.

Legislative Review Note
as of 2-18-09 3:06 PM

Office of Legislative Research and General Counsel

H.B. 174 - Licensing of Vocational Rehabilitation Counselors

Fiscal Note

2009 General Session

State of Utah

State Impact

Enacting this bill will require an appropriation from the Commerce Service Fund of \$21,500 in FY 2010 and \$35,400 ongoing in FY 2011. The bill will generate additional revenue of \$20,500 in FY 2010. Licenses are renewed every other year resulting in up and down revenue cycles.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$0	\$0	\$0	\$20,500	(\$21,000)
Commerce Service Fund	\$0	\$35,400	\$35,400	\$0	\$21,500	\$14,400
Commerce Service, One-time	\$0	(\$13,900)	\$0	\$0	\$0	\$0
Total	\$0	\$21,500	\$35,400	\$0	\$42,000	(\$6,600)

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments. Businesses and individuals may be impacted by this change in statute.
