

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:
- 59 (a) in public or private practice;
- 60 (b) for compensation; and
- 61 (c) involving the application of principles, methods, or procedures of the vocational
- 62 rehabilitation counseling profession, which include:
- 63 (i) vocational assessment;
- 64 (ii) vocational rehabilitation counseling and guidance;
- 65 (iii) vocational and other training services;
- 66 (iv) self-employment plans;
- 67 (v) job analysis; and
- 68 (vi) job placement.

69 Section 3. Section **58-78-201** is enacted to read:

70 **Part 2. Board**

71 **58-78-201. Board.**

72 (1) There is created the Vocational Rehabilitation Counselors Licensing Board

73 consisting of four licensed vocational rehabilitation counselors and one individual

74 representing the general public.

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

76 (3) (a) The duties and responsibilities of the board shall be in accordance with

77 Sections 58-1-202 and 58-1-203.

78 (b) The board may also designate one of its members on a rotating or permanent basis

79 to:

80 (i) assist the division in reviewing complaints concerning unlawful or unprofessional

81 conduct of a licensee; and

82 (ii) advise the division in its investigation of these complaints.

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

84 in its investigation may be disqualified from participating with the board when the board

85 serves as a presiding officer in an adjudicative proceeding concerning that complaint.

86 Section 4. Section **58-78-301** is enacted to read:

87 **Part 3. Licensing**

88 **58-78-301. License required.**

89 (1) Beginning January 1, 2010, and except as provided in Sections 58-1-307 and
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 (4), an applicant for licensure as a 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 to recover the
100 costs of administering licensing requirements relating to vocational rehabilitation counselors;

101 (c) be of good moral character;

102 (d) provide satisfactory evidence of having earned a master's degree in rehabilitation
103 counseling or a related field;

104 (e) provide satisfactory evidence of having 4,000 hours of disability related work
105 experience under the supervision of a licensed vocational rehabilitation counselor, except as
106 otherwise provided in Subsection (2); and

107 (f) after January 1, 2011, meet the examination requirement established by rule by the
108 division in collaboration with the board.

109 (2) Beginning January 1, 2010, and ending December 31, 2010, an applicant is not
110 required to verify that the 4,000 hours of work experience required under Subsection (1)(e)
111 was done under the supervision of a vocational rehabilitation counselor licensed under this
112 chapter.

113 (3) An applicant may satisfy the requirement of Subsection (1)(d) if, prior to January

114 1, 2011, the applicant provides satisfactory evidence of:
115 (a) having earned a bachelor's degree from an accredited institution;
116 (b) at least ten years experience in vocational rehabilitation counseling or a disability
117 related field;
118 (c) currently practicing vocational rehabilitation counseling in Utah; and
119 (d) holding a national certification as a:
120 (i) Certified Rehabilitation Counselor;
121 (ii) Certified Vocational Evaluator; or
122 (iii) Certified Disability Management Specialist.
123 (4) The division may issue a license under this chapter to an individual who is
124 licensed in another state or jurisdiction to practice vocational rehabilitation counseling if the
125 division finds that the other state or jurisdiction has substantially the same or higher licensure
126 requirements as this state.

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

128 **58-78-303. Term of license -- Expiration -- Renewal.**

129 (1) The division shall issue each license under this chapter in accordance with an
130 annual renewal cycle established by rule.

131 (2) Each license automatically expires on the expiration date shown on the license
132 unless renewed by the licensee in accordance with Section 58-1-308.

133 (3) Each person holding a license under this chapter as a vocational rehabilitation
134 counselor shall complete in each period of licensure a program of qualifying continuing
135 professional education in accordance with standards defined by rule.

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

137 **58-78-304. Exemption from licensure.**

138 In addition to the exemptions from licensure in Section 58-1-307, the following may
139 engage in the practice of vocational rehabilitation counseling subject to the stated
140 circumstances and limitations, without being licensed under this chapter if they do not use the
141 title of vocational rehabilitation counselor or are not directly represented or held out to the

142 public to be legally qualified to engage in the practice of vocational rehabilitation counseling
143 before the public in this state:

144 (1) an individual employed or supervised by a licensed vocational rehabilitation
145 counselor while carrying out specific tasks under the licensee's supervision; and

146 (2) a priest, rabbi, or minister of the gospel of any religious denomination.

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

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

149 **58-78-401. Grounds for denial of license -- Disciplinary proceedings.**

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

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

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

156 **58-78-501. Unlawful conduct.**

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

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

162 **58-78-502. Unprofessional conduct.**

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