

1                   **MENTAL HEALTH PROFESSIONAL PRACTICE**

2                                   **ACT AMENDMENTS**

3   2010 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Lyle W. Hillyard**

6   House Sponsor: Ronda Rudd Menlove

---

---

8   **LONG TITLE**

9   **General Description:**

10           This bill amends provisions of the Mental Health Professional Practice Act.

11   **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ modifies requirements for licensure by endorsement;
- 15           ▶ provides that a license by endorsement that was valid immediately before the

16 passage of this bill continues to be valid;

- 17           ▶ amends the scope of practice provisions for a social service worker;

18           ▶ defines the term "program accredited by the Council on Social Work Education" to

19 include a program that was accredited, and a program that was in candidacy for

20 accreditation, on the day on which the applicant for licensure satisfactorily

21 completed the program;

- 22           ▶ modifies the membership of the Social Worker Licensing Board;

- 23           ▶ modifies the qualifications for a social service worker license;

24           ▶ provides that a social service worker license that was valid immediately before the

25 passage of this bill continues to be valid;

- 26           ▶ establishes a continuing education requirement for a social service worker;

27           ▶ modifies qualifications for admission to examination under the Social Worker

28 Licensing Act;

- 29           ▶ changes the classification of "certified marriage and family therapist intern" to

30 "associate marriage and family therapist";

31       ▶ changes the classification of "certified professional counselor intern" to "associate  
32 professional counselor";

33       ▶ modifies license qualification requirements and supervision requirements under the  
34 Substance Abuse Practice Act; and

35       ▶ makes technical changes.

36 **Monies Appropriated in this Bill:**

37       None

38 **Other Special Clauses:**

39       None

40 **Utah Code Sections Affected:**

41 AMENDS:

42       **58-60-109**, as last amended by Laws of Utah 2001, Chapter 281

43       **58-60-115**, as last amended by Laws of Utah 2009, Chapter 183

44       **58-60-202**, as enacted by Laws of Utah 1994, Chapter 32

45       **58-60-203**, as enacted by Laws of Utah 1994, Chapter 32

46       **58-60-205**, as last amended by Laws of Utah 2009, Chapter 183

47       **58-60-206**, as enacted by Laws of Utah 1994, Chapter 32

48       **58-60-304**, as last amended by Laws of Utah 2001, Chapter 281

49       **58-60-305**, as last amended by Laws of Utah 2009, Chapter 183

50       **58-60-308**, as last amended by Laws of Utah 2009, Chapter 183

51       **58-60-404**, as last amended by Laws of Utah 2001, Chapter 281

52       **58-60-405**, as last amended by Laws of Utah 2009, Chapter 183

53       **58-60-407**, as last amended by Laws of Utah 2009, Chapter 183

54       **58-60-506**, as last amended by Laws of Utah 2009, Chapter 183

55       **58-60-508**, as last amended by Laws of Utah 2007, Chapter 283

56 ENACTS:

57       **58-60-115.2**, Utah Code Annotated 1953

58 **58-60-205.5**, Utah Code Annotated 1953

59 

---

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

61 Section 1. Section **58-60-109** is amended to read:

62 **58-60-109. Unlawful conduct.**

63 As used in this chapter, "unlawful conduct" includes:

64 (1) practice of the following unless licensed in the appropriate classification or  
65 exempted from licensure under this title:

- 66 (a) mental health therapy;
- 67 (b) clinical social work;
- 68 (c) certified social work;
- 69 (d) marriage and family therapy;
- 70 (e) professional counseling;
- 71 (f) practice as a social service worker; or
- 72 (g) licensed substance abuse counselor;

73 (2) practice of mental health therapy by a licensed psychologist who has not  
74 acceptably documented to the division his completion of the supervised training in mental  
75 health therapy required under Subsection 58-61-304(1)(f); or

76 (3) representing oneself as or using the title of any of the following unless currently  
77 licensed in a license classification under this title:

- 78 (a) psychiatrist;
- 79 (b) psychotherapist;
- 80 (c) registered psychiatric mental health nurse specialist;
- 81 (d) mental health therapist;
- 82 (e) clinical social worker;
- 83 (f) certified social worker;
- 84 (g) marriage and family therapist;
- 85 (h) professional counselor;

- 86 (i) clinical hypnotist;
- 87 (j) social service worker;
- 88 (k) licensed substance abuse counselor;
- 89 (l) ~~[certified]~~ associate professional counselor ~~[intern]~~; or
- 90 (m) ~~[certified]~~ associate marriage and family therapist ~~[intern]~~.

91 Section 2. Section **58-60-115** is amended to read:

92 **58-60-115. License by endorsement.**

93 The division shall issue a license by endorsement under this chapter to a person who:

- 94 (1) submits an application on a form provided by the division;
- 95 (2) pays a fee determined by the department under Section 63J-1-504;
- 96 (3) provides documentation of current licensure in good standing in any state, district,
- 97 or territory of the United States to practice in the profession ~~[in]~~ for which licensure is being
- 98 sought;

99 ~~[(4) provides documentation of having been actively engaged in the legal practice of~~  
100 ~~the person's profession, including, but not limited to, mental health therapy, for not less than~~  
101 ~~4,000 hours during the three years immediately preceding the date of application for licensure~~  
102 ~~in Utah;]~~

103 (4) except as provided in Subsection (5), provides documentation that the person has  
104 engaged in the lawful practice of the profession for which licensure is sought for not less than  
105 4,000 hours, of which 1,000 hours are in mental health therapy;

106 (5) if the person is applying for a license to practice as a licensed substance abuse  
107 counselor, provides documentation that the person has:

- 108 (a) engaged in the lawful practice of the profession for not less than 4,000 hours; and
- 109 (b) has passed an examination approved by the division, by rule, to establish  
110 proficiency in the profession;

111 ~~[(5)]~~ (6) has passed the profession specific jurisprudence examination if required of a  
112 new applicant; and

113 ~~[(6)]~~ (7) is of good moral character and professional standing, and has no disciplinary

114 action pending or in effect against the applicant's license in any jurisdiction.

115 Section 3. Section **58-60-115.2** is enacted to read:

116 **58-60-115.2. Pre-existing license by endorsement.**

117 A person who, on May 11, 2010, has a valid license by endorsement under Section  
118 58-60-115 that was granted before May 11, 2010, is considered to have met the requirements  
119 of Subsection 58-60-115(4) if the person provides documentation that the person has engaged  
120 in:

121 (1) the lawful practice of the person's profession, including mental health therapy, for  
122 not less than 4,000 hours during the three years immediately preceding the date of application  
123 for licensure in Utah; or

124 (2) the lawful practice of the profession for which licensure is sought for not less than  
125 4,000 hours, of which 1,000 hours are in mental health therapy.

126 Section 4. Section **58-60-202** is amended to read:

127 **58-60-202. Definitions.**

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

129 (1) "Board" means the Social Worker Licensing Board created in Section 58-60-203.

130 (2) (a) "Practice as a social service worker" means performance of general entry level  
131 services under general supervision of a mental health therapist through the application of  
132 social work theory, methods, and ethics in order to enhance the social or psychosocial  
133 functioning of an individual, a couple, a family, a group, or a community, including:

134 (i) conducting;

135 (A) a non-clinical psychosocial assessment; or

136 (B) a home study;

137 (ii) collaborative planning and goal setting;

138 (iii) ongoing case management;

139 (iv) progress monitoring;

140 (v) supportive counseling;

141 (vi) information gathering;

142 (vii) making referrals; and  
143 (viii) engaging in advocacy.

144 (b) "Practice as a social service worker" does not include:

145 (i) diagnosing or treating mental illness; or

146 (ii) providing psychotherapeutic services to an individual, couple, family, group, or  
147 community.

148 [~~2~~] (3) "Practice of clinical social work" includes:

149 (a) the practice of mental health therapy by observation, description, evaluation,  
150 interpretation, intervention, and treatment to effect modification of behavior by the application  
151 of generally recognized professional social work principles, methods, and procedures for the  
152 purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the  
153 symptoms of any of these, or maladaptive behavior;

154 (b) the application of generally recognized psychotherapeutic and social work  
155 principles and practices requiring the education, training, and clinical experience of a clinical  
156 social worker; and

157 (c) supervision of the practice of a certified social worker or social service worker as  
158 the supervision is required under this chapter and as further defined by division rule.

159 [~~3~~] (4) "Practice of certified social work" includes:

160 (a) the supervised practice of mental health therapy by a clinical social worker by  
161 observation, description, evaluation, interpretation, intervention, and treatment to effect  
162 modification of behavior by the application of generally recognized professional social work  
163 principles, methods, and procedures for the purpose of preventing, treating, or eliminating  
164 mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive  
165 behavior;

166 (b) the supervised or independent and unsupervised application of generally  
167 recognized professional social work principles and practices requiring the education, training,  
168 and experience of a certified social worker; and

169 (c) supervision of the practice of a social service worker as the supervision is required

170 under this chapter and as further defined by division rule.

171 [~~(4) "Practice as a social service worker":~~]

172 [~~(a) includes performance under supervision of a mental health therapist of~~  
173 ~~professional services consistent with the education and training of a social service worker and~~  
174 ~~the standards and ethics of the profession, including patient management activities;]~~

175 [~~(b) includes the supervised or unsupervised application of professional social work~~  
176 ~~principles and practices and the practice of case management, which practices require only the~~  
177 ~~education, training, and experience of a social service worker and are conducted in accordance~~  
178 ~~with generally accepted standards and ethics of the profession; and]~~

179 [~~(c) does not include engaging in the practice of mental health therapy with an~~  
180 ~~individual, family, group, or any other persons.]~~

181 (5) "Program accredited by the Council on Social Work Education" means a program  
182 that:

183 (a) was accredited by the Council on Social Work Education on the day on which the  
184 applicant for licensure satisfactorily completed the program; or

185 (b) was in candidacy for accreditation by the Council on Social Work Education on  
186 the day on which the applicant for licensure satisfactorily completed the program.

187 [~~(5)~~] (6) "Supervision of a social service worker" means supervision conducted by an  
188 individual licensed as a mental health therapist under this title in accordance with division  
189 rules made in collaboration with the board.

190 Section 5. Section **58-60-203** is amended to read:

191 **58-60-203. Board.**

192 (1) There is created the Social Worker Licensing Board consisting of [~~two~~] one  
193 certified social [workers, two] worker, three clinical social workers, two social service  
194 workers, and one member from the general public.

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

197 (3) The duties and responsibilities of the board are under Sections 58-1-202 and

198 58-1-203. In addition, the board shall:

199 (a) designate one of its members on a permanent or rotating basis to assist the division  
200 in review of complaints concerning unlawful or unprofessional practice by a licensee in any  
201 profession regulated by the board and to advise the division regarding the conduct of  
202 investigations of the complaints; and

203 (b) disqualify any member from acting as presiding officer in any administrative  
204 procedure in which that member has previously reviewed the complaint or advised the  
205 division.

206 Section 6. Section **58-60-205** is amended to read:

207 **58-60-205. Qualifications for licensure or certification as a clinical social**  
208 **worker, certified social worker, and social service worker.**

209 (1) An applicant for licensure as a clinical social worker shall:

210 (a) submit an application on a form provided by the division;

211 (b) pay a fee determined by the department under Section 63J-1-504;

212 (c) be of good moral character;

213 (d) produce certified transcripts from an accredited institution of higher education  
214 recognized by the division in collaboration with the board verifying satisfactory completion of  
215 an education and earned degree as follows:

216 (i) an earned master's degree in social work resulting from completion of an education  
217 program accredited by the Council on Social Work Education; or

218 (ii) an earned doctoral degree in social work that results from successful completion of  
219 a clinical concentration and practicum approved by the division and defined by rule under  
220 Section 58-1-203;

221 (e) have completed a minimum of 4,000 hours of clinical social work training as  
222 defined by division rule under Section 58-1-203 in not less than two years and under the  
223 supervision of a clinical social worker supervisor approved by the division in collaboration  
224 with the board;

225 (f) document successful completion of not less than 1,000 hours of supervised training

226 in mental health therapy obtained after completion of the education requirement in Subsection  
227 (1)(d), which training may be included as part of the 4,000 hours of training in Subsection  
228 (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were  
229 obtained under the direct personal face to face supervision of a clinical social worker approved  
230 by the division in collaboration with the board;

231 (g) have completed a case work, group work, or family treatment course sequence with  
232 a clinical practicum in content as defined by rule under Section 58-1-203; and

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

234 (2) An applicant for licensure as a certified social worker shall:

235 (a) submit an application on a form provided by the division;

236 (b) pay a fee determined by the department under Section 63J-1-504;

237 (c) be of good moral character;

238 (d) produce certified transcripts from an accredited institution of higher education  
239 recognized by the division in collaboration with the Social Worker Licensing Board verifying  
240 satisfactory completion of an education and an earned degree as follows:

241 (i) a social work education program accredited by the Council on Social Work  
242 Education and an earned master's degree resulting from completion of that program; or

243 (ii) an education program that contains approved clinical social work concentration  
244 and practicum in content as defined by rule under Section 58-1-203 and an earned doctorate  
245 resulting from completion of that program; and

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

247 (3) (a) An applicant for certification as a certified social worker intern shall meet the  
248 requirements of Subsections (2)(a), (b), (c), and (d).

249 (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the  
250 examination required under Subsection (2)(e) or six months, whichever occurs first.

251 (c) A certified social worker intern may provide mental health therapy under the  
252 general supervision of a clinical social worker.

253 (4) An applicant for licensure as a social service worker shall:

- 254 (a) submit an application on a form provided by the division;
- 255 (b) pay a fee determined by the department under Section 63J-1-504;
- 256 (c) be of good moral character;
- 257 (d) produce certified transcripts from an accredited institution of higher education
- 258 recognized by the division in collaboration with the Social Worker Licensing Board verifying
- 259 satisfactory completion of an earned degree resulting from education as follows:

260 (i) a bachelor's degree in a social work program accredited by the Council on Social  
261 Work Education;

262 (ii) a master's degree in a field approved by the division in collaboration with the  
263 social worker board;

264 [~~(iii) a bachelor's degree in sociology, psychology, family sciences, or other field~~  
265 ~~approved by the division in collaboration with the Social Worker Licensing Board and also~~  
266 ~~documentation of 2,000 hours of supervised social work activity approved by the division in~~  
267 ~~collaboration with the board, which is performed after completing bachelor's degree~~  
268 ~~requirements under this Subsection (4);]~~

269 [~~(iv) a bachelor's degree in any field, if the applicant has completed:]~~

270 [~~(A) the equivalent of three credit hours of course work or other approved training in~~  
271 ~~full-life human growth behavior, abnormal psychology, social work values and ethics, social~~  
272 ~~welfare, or social welfare policy;]~~

273 (iii) a bachelor's degree in any field if the applicant:

274 (A) except as provided in Subsection 58-60-205.2(2), has completed at least three  
275 semester hours, or the equivalent, in each of the following areas:

276 (I) social welfare policy;

277 (II) human growth and development; and

278 (III) social work practice methods, as defined by rule; and

279 [~~(B) an approved social work practice methods course; and]~~

280 [~~(C) one year of] (B) provides documentation that the applicant has completed at least  
281 2,000 hours of qualifying experience under the supervision of a [licensed certified or clinical~~

282 ~~social worker]~~ mental health therapist, which experience is approved by the division in  
283 collaboration with the Social Worker Licensing Board, and which is performed after  
284 completion of the requirements to obtain the bachelor's degree required under this Subsection  
285 (4); or

286 [~~v~~] (iv) successful completion of the first academic year of a Council on Social Work  
287 Education approved master's of social work curriculum and practicum; and

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

289 Section 7. Section **58-60-205.5** is enacted to read:

290 **58-60-205.5. Continuing education.**

291 As a condition for renewal of a license under this part, a social service worker licensee  
292 shall, during each two-year licensure cycle, complete qualified continuing professional  
293 education, as defined by rule made in accordance with Title 63G, Chapter 3, Utah  
294 Administrative Rulemaking Act.

295 Section 8. Section **58-60-206** is amended to read:

296 **58-60-206. Qualifications for admission to examination.**

297 All applicants for admission to any examination qualifying an individual for licensure  
298 under this part shall, before taking the examination:

299 (1) submit an application for examination and licensure on a form provided by the  
300 division;

301 (2) pay the fee established for the examination; and

302 (3) certify under penalty of perjury as evidenced by notarized signature on the  
303 application for [~~admission to the~~] examination and licensure that the applicant:

304 (a) has completed the education requirement and been awarded the earned degree  
305 required for licensure[~~;~~]; or

306 (b) has only one semester, or the equivalent, remaining before the applicant completes  
307 the education requirement for earning the degree that is required for licensure.

308 Section 9. Section **58-60-304** is amended to read:

309 **58-60-304. License classifications.**

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

- 312 (1) marriage and family therapist; or
- 313 (2) [~~certified~~] associate marriage and family therapist [~~intern~~].

314 Section 10. Section **58-60-305** is amended to read:

315 **58-60-305. Qualifications for licensure.**

316 (1) All applicants for licensure as marriage and family therapists shall:

- 317 (a) submit an application on a form provided by the division;
- 318 (b) pay a fee determined by the department under Section 63J-1-504;
- 319 (c) be of good moral character;
- 320 (d) produce certified transcripts evidencing completion of a masters or doctorate  
321 degree in marriage and family therapy from:

- 322 (i) a program accredited by the Commission on Accreditation for Marriage and Family  
323 Therapy Education; or

- 324 (ii) an accredited institution meeting criteria for approval established by rule under  
325 Section 58-1-203;

- 326 (e) have completed a minimum of 4,000 hours of marriage and family therapy training  
327 as defined by division rule under Section 58-1-203, in not less than two years, under the  
328 supervision of a marriage and family therapist supervisor who meets the requirements of  
329 Section 58-60-307, and obtained after completion of the education requirement in Subsection  
330 (1)(d);

- 331 (f) document successful completion of not less than 1,000 hours of supervised training  
332 in mental health therapy obtained after completion of the education requirement described in  
333 Subsection (1)(d)(i) or (1)(d)(ii), which training may be included as part of the 4,000 hours of  
334 training described in Subsection (1)(e), and of which documented evidence demonstrates not  
335 less than 100 of the supervised hours were obtained during direct, personal, face-to-face  
336 supervision by a marriage and family therapist supervisor qualified under Section 58-60-307;  
337 and

338 (g) pass the examination requirement established by division rule under Section  
339 58-1-203.

340 (2) (a) All applicants for [~~certification as a~~] licensure as an associate marriage and  
341 family therapist [~~intern~~] shall comply with the provisions of Subsections (1)(a), (b), (c), and  
342 (d).

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

352 Section 11. Section **58-60-308** is amended to read:

353 **58-60-308. Scope of practice -- Limitations.**

354 (1) A licensed marriage and family therapist may engage in all acts and practices  
355 defined as the practice of marriage and family therapy without supervision, in private and  
356 independent practice, or as an employee of another person, limited only by the licensee's  
357 education, training, and competence.

358 (2) (a) To the extent an individual has completed the educational requirements of  
359 Subsection 58-60-305(1)(d), a [~~certified~~] licensed associate marriage and family therapist  
360 [~~intern~~] may engage in all acts and practices defined as the practice of marriage and family  
361 therapy if the practice is:

362 (i) within the scope of employment as [~~a certified~~] a licensed associate marriage and  
363 family therapist [~~intern~~] with a public agency or a private clinic as defined by division rule;  
364 and

365 (ii) under the supervision of a licensed marriage and family therapist who is qualified

366 as a supervisor under Section 58-60-307.

367 (b) A [~~certified~~] licensed associate marriage and family [~~therapy intern~~] therapist may  
368 not engage in the independent practice of marriage and family therapy.

369 Section 12. Section **58-60-404** is amended to read:

370 **58-60-404. License classifications.**

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

- 373 (1) a professional counselor; or
- 374 (2) [~~a certified~~] an associate professional counselor [~~intern~~].

375 Section 13. Section **58-60-405** is amended to read:

376 **58-60-405. Qualifications for licensure.**

- 377 (1) All applicants for licensure as a professional counselor shall:
  - 378 (a) submit an application on a form provided by the division;
  - 379 (b) pay a fee determined by the department under Section 63J-1-504;
  - 380 (c) be of good moral character;
  - 381 (d) produce certified transcripts from an accredited institution of higher education  
382 recognized by the division in collaboration with the board verifying satisfactory completion of:
    - 383 (i) an education and degree in an education program in counseling with a core  
384 curriculum defined by division rule under Section 58-1-203 preparing one to competently  
385 engage in mental health therapy; and
    - 386 (ii) an earned doctoral or master's degree resulting from that education program;
    - 387 (e) have completed a minimum of 4,000 hours of professional counselor training as  
388 defined by division rule under Section 58-1-203, in not less than two years, under the  
389 supervision of a professional counselor, psychiatrist, psychologist, clinical social worker,  
390 registered psychiatric mental health nurse specialist, or marriage and family therapist  
391 supervisor approved by the division in collaboration with the board, and obtained after  
392 completion of the education requirement in Subsection (1)(d);
    - 393 (f) document successful completion of not less than 1,000 hours of supervised training

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

399 (g) pass the examination requirement established by division rule under Section  
400 58-1-203.

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

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

412 Section 14. Section ~~58-60-407~~ is amended to read:

413 **58-60-407. Scope of practice -- Limitations.**

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

418 (2) (a) To the extent an individual has completed the educational requirements of  
419 Subsection 58-60-305(1)(d), a [~~certified professional counseling intern~~] licensed associate  
420 professional counselor may engage in all acts and practices defined as the practice of  
421 professional counseling if the practice is:

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

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

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

428 Section 15. Section **58-60-506** is amended to read:

429 **58-60-506. Qualifications for licensure on and after July 1, 2007.**

430 (1) An applicant for licensure under this part on and after July 1, 2007, must meet the  
431 following qualifications:

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

433 (b) pay a fee determined by the department under Section 63J-1-504;

434 (c) be of good moral character;

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

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

438 (2) An applicant for licensure as a licensed substance abuse counselor shall [~~meet one~~  
439 ~~of the following~~]:

440 (a) [~~The applicant shall~~] produce:

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

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

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

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

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

450 substance abuse education program described in Subsection (2)(a)(ii)~~[-]~~, unless the time for  
451 performance is extended, due to an extenuating circumstance, by the division, after  
452 consultation with the board;

453 (b) ~~[The applicant shall]~~ produce:

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

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

459 (iii) documentation of the applicant's completion of 4,000 hours of supervised  
460 experience in substance abuse treatment:

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

462 (B) performed within a four-year period after the applicant's completion of the  
463 substance abuse education program described in Subsection (2)(b)(ii)~~[-]~~, unless the time for  
464 performance is extended, due to an extenuating circumstance, by the division, after  
465 consultation with the board;

466 (c) ~~[Before]~~ before January 1, 2009, ~~[the applicant shall]~~ produce:

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

471 (ii) documentation of the applicant's completion of 4,000 hours of supervised  
472 experience in substance abuse treatment:

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

474 (B) performed within a four-year period~~[-]~~; or

475 (d) ~~[Before]~~ before January 1, 2009, ~~[the applicant shall]~~ produce:

476 (i) certified transcripts from an accredited institution meeting standards established by  
477 the division by rule in collaboration with the board verifying satisfactory completion of a

478 baccalaureate or graduate degree or a high school diploma or equivalent; and  
479 (ii) documentation of the applicant's completion of 6,000 hours of supervised  
480 experience in substance abuse treatment:  
481 (A) meeting standards established by the division in collaboration with the board; and  
482 (B) performed within a six-year period.  
483 (3) An applicant for licensure as a certified substance abuse counselor shall ~~[meet one~~  
484 ~~of the following]~~:  
485 (a) ~~[The applicant shall]~~ produce:  
486 (i) certified transcripts from an accredited institution of higher education meeting  
487 standards established by the division by rule in collaboration with the board verifying  
488 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;  
489 and  
490 (ii) documentation of the applicant's completion of a substance abuse education  
491 program[-];  
492 (b) ~~[The applicant shall]~~ produce:  
493 (i) certified transcripts from an accredited institution meeting standards established by  
494 the division by rule in collaboration with the board verifying satisfactory completion of a  
495 baccalaureate or graduate degree or a high school diploma or equivalent; and  
496 (ii) documentation of the applicant's completion of a substance abuse education  
497 program[-];  
498 (c) ~~[Before]~~ before January 1, 2009, ~~[the applicant shall]~~ produce certified transcripts  
499 from an accredited institution of higher education meeting standards established by the  
500 division by rule in collaboration with the board verifying satisfactory completion of a  
501 baccalaureate or graduate degree in behavioral or social sciences[-]; or  
502 (d) ~~[Before]~~ before January 1, 2009, ~~[the applicant shall]~~ produce certified transcripts  
503 from an accredited institution meeting standards established by the division by rule in  
504 collaboration with the board verifying satisfactory completion of a baccalaureate or graduate  
505 degree or a high school diploma or equivalent.

506 (4) (a) An applicant for licensure as a certified substance abuse counselor intern shall  
507 meet the requirements for licensure as a certified substance abuse counselor under Subsection  
508 (3).

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

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

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

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

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

517 (c) A certified substance abuse counselor extern whose license expires before the  
518 licensee completes a substance abuse education program under Subsection (2)(a)(ii) or  
519 (2)(b)(ii) may not practice under this part until the licensee meets the requirements of  
520 Subsection (2) or (3).

521 Section 16. Section **58-60-508** is amended to read:

522 **58-60-508. Core functions of the mental health therapist supervisor.**

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

524 (a) be a licensed mental health therapist qualified by education and experience to treat  
525 substance abuse;

526 (b) be currently working in the substance abuse treatment field;

527 (c) review substance abuse counselor assessment procedures;

528 (d) provide substance abuse diagnosis and other mental health diagnoses in  
529 accordance with Subsection 58-60-102(7);

530 (e) participate in the development of a treatment plan;

531 (f) approve the treatment plan; and

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

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

536 (a) (i) be a licensed substance abuse counselor with:

537 (A) until July 1, 2011, at least one year of experience as a licensed substance abuse  
538 counselor; or

539 (B) beginning on July 1, 2011, at least two years of experience as a licensed substance  
540 abuse counselor; or

541 (ii) be a licensed mental health therapist qualified by education and experience to treat  
542 substance abuse;

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

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