

1 **MENTAL HEALTH PRACTICE ACT REVISIONS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul Ray**

5 Senate Sponsor: Jerry W. Stevenson

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Mental Health Professional Practice Act by amending licensing
10 provisions in the Substance Abuse Counselor Act and the Professional Counselor
11 Licensing Act.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ changes the name of the Professional Counselor Licensing Act to the Clinical
16 Mental Health Counselor Licensing Act and changes counselor names from
17 professional counselor to clinical mental health counselor;
- 18 ▶ replaces the term "substance abuse" with "substance use disorder" throughout the
19 Mental Health Professional Practice Act;
- 20 ▶ changes the name of the Substance Abuse Counselor Act to the Substance Use
21 Disorder Counselor Act;
- 22 ▶ amends the definition of a mental health therapist to include a certified psychology
23 resident, an associate marriage and family therapist, and an associate clinical mental
24 health counselor;
- 25 ▶ amends the class of licenses and adjusts qualifications for a substance use disorder
26 counselor;
- 27 ▶ provides for the transition to the new substance use disorder counselor license



28 classifications;

29 ▶ requires the Division of Substance Abuse and Mental Health to make rules
30 establishing a peer support services program for substance use disorder services;

31 and

32 ▶ makes technical changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill takes effect on July 1, 2012.

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **58-60-102**, as last amended by Laws of Utah 1999, Chapter 81

40 **58-60-103**, as last amended by Laws of Utah 2001, Chapter 281

41 **58-60-107**, as last amended by Laws of Utah 2001, Chapter 281

42 **58-60-109**, as last amended by Laws of Utah 2010, Chapter 214

43 **58-60-115**, as last amended by Laws of Utah 2010, Chapter 214

44 **58-60-117**, as last amended by Laws of Utah 2009, Chapter 183

45 **58-60-401**, as enacted by Laws of Utah 1994, Chapter 32

46 **58-60-402**, as enacted by Laws of Utah 1994, Chapter 32

47 **58-60-403**, as enacted by Laws of Utah 1994, Chapter 32

48 **58-60-404**, as last amended by Laws of Utah 2010, Chapter 214

49 **58-60-405**, as last amended by Laws of Utah 2010, Chapter 214

50 **58-60-407**, as last amended by Laws of Utah 2010, Chapter 214

51 **58-60-501**, as enacted by Laws of Utah 1996, Chapter 184

52 **58-60-502**, as last amended by Laws of Utah 2007, Chapter 283

53 **58-60-503**, as last amended by Laws of Utah 2007, Chapter 283

54 **58-60-504**, as last amended by Laws of Utah 2007, Chapter 283

55 **58-60-506**, as last amended by Laws of Utah 2010, Chapter 214

56 **58-60-508**, as last amended by Laws of Utah 2010, Chapter 214

57 **58-60-511**, as enacted by Laws of Utah 2007, Chapter 283

58 **78B-3-501**, as renumbered and amended by Laws of Utah 2008, Chapter 3

59 ENACTS:

60 **62A-15-402**, Utah Code Annotated 1953

61

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

63 Section 1. Section **58-60-102** is amended to read:

64 **58-60-102. Definitions.**

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

66 (1) "Client" or "patient" means an individual who consults or is examined or
 67 interviewed by ~~[a mental health therapist]~~ an individual licensed under this chapter who is
 68 acting in ~~[his]~~ the individual's professional capacity.

69 (2) "Confidential communication" means information obtained by an individual
 70 licensed under this chapter, including information obtained by the ~~[mental health therapist's]~~
 71 individual's examination of the client or patient, which is:

72 (a) (i) transmitted between the client or patient and ~~[a mental health therapist]~~ an
 73 individual licensed under this chapter in the course of that relationship; or

74 (ii) transmitted among the client or patient, ~~[the mental health therapist]~~ an individual
 75 licensed under this chapter, and individuals who are participating in the diagnosis or treatment
 76 under the direction of ~~[the mental health therapist]~~ an individual licensed under this chapter,
 77 including members of the client's or patient's family; and

78 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
 79 ~~[mental health therapist]~~ individual licensed under this chapter, and by a means not intended to
 80 be disclosed to third persons other than those individuals:

81 (i) present to further the interest of the client or patient in the consultation,
 82 examination, or interview;

83 (ii) reasonably necessary for the transmission of the communications; or

84 (iii) participating in the diagnosis and treatment of the client or patient under the
 85 direction of the mental health therapist.

86 (3) "Hypnosis" means, ~~[regarding]~~ when referring to individuals exempted from
 87 licensure under this chapter, a process by which ~~[one]~~ an individual induces or assists another
 88 individual into a hypnotic state without the use of drugs or other substances and for the purpose
 89 of increasing motivation or to assist the individual to alter lifestyles or habits.

- 90 (4) "Individual" means a natural person.
- 91 (5) "Mental health therapist" means an individual licensed under this title as:
- 92 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental
- 93 health therapy;
- 94 (b) an advanced practice registered nurse, specializing in psychiatric mental health
- 95 nursing;
- 96 (c) a psychologist qualified to engage in the practice of mental health therapy;
- 97 (d) a certified psychology resident qualifying to engage in the practice of mental health
- 98 therapy;
- 99 [~~(d)~~] (e) a clinical social worker;
- 100 [~~(e)~~] (f) a certified social worker;
- 101 [~~(f)~~] (g) a marriage and family therapist; [~~or~~]
- 102 (h) an associate marriage and family therapist;
- 103 [~~(g)~~] (i) a [~~professional~~] clinical mental health counselor[-]; or
- 104 (j) an associate clinical mental health counselor.
- 105 (6) "Mental illness" means a mental or emotional condition defined in an approved
- 106 diagnostic and statistical manual for mental disorders generally recognized in the professions of
- 107 mental health therapy listed under Subsection (5).
- 108 (7) "Practice of mental health therapy" means treatment or prevention of mental illness,
- 109 including:
- 110 (a) conducting a professional evaluation of an individual's condition of mental health,
- 111 mental illness, or emotional disorder consistent with standards generally recognized in the
- 112 professions of mental health therapy listed under Subsection (5);
- 113 (b) establishing a diagnosis in accordance with established written standards generally
- 114 recognized in the professions of mental health therapy listed under Subsection (5);
- 115 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
- 116 emotional disorder; and
- 117 (d) engaging in the conduct of professional intervention, including psychotherapy by
- 118 the application of established methods and procedures generally recognized in the professions
- 119 of mental health therapy listed under Subsection (5).
- 120 (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

121 (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and
122 may be further defined by division rule.

123 Section 2. Section **58-60-103** is amended to read:

124 **58-60-103. Licensure required.**

125 (1) An individual shall be licensed under this chapter; Chapter 67, Utah Medical
126 Practice Act~~[, or]~~; Chapter 68, Utah Osteopathic Medical Practice Act; Chapter 31b, Nurse
127 Practice Act; Chapter 61, Psychologist Licensing Act; or exempted from licensure under this
128 chapter in order to:

129 (a) engage in, or represent ~~[he]~~ that the individual will engage in, the practice of mental
130 health therapy, clinical social work, certified social work, marriage and family therapy, or
131 ~~[professional]~~ clinical mental health counseling; or

132 (b) practice as, or represent ~~[himself as]~~ that the individual is, a mental health therapist,
133 clinical social worker, certified social worker, marriage and family therapist, ~~[professional]~~
134 clinical mental health counselor, psychiatrist, psychologist, ~~[or]~~ registered psychiatric mental
135 health nurse specialist, certified psychology resident, associate marriage and family therapist,
136 or associate clinical mental health counselor.

137 (2) An individual shall be licensed under this chapter or exempted from licensure under
138 this chapter in order to:

139 (a) engage in, or represent that ~~[he]~~ the individual is engaged in, practice as a social
140 service worker; or

141 (b) represent ~~[himself as]~~ that the individual is, or use the title of, a social service
142 worker.

143 (3) An individual shall be licensed under this chapter or exempted from licensure under
144 this chapter in order to:

145 (a) engage in, or represent that ~~[he]~~ the individual is engaged in, practice as a ~~[licensed]~~
146 substance ~~[abuse]~~ use disorder counselor; or

147 (b) represent ~~[himself as]~~ that the individual is, or use the title of ~~[licensed], a~~
148 substance ~~[abuse]~~ use disorder counselor.

149 (4) Notwithstanding the provisions of Subsection 58-1-307(1)(c), an individual shall be
150 certified under this chapter, or otherwise exempted from licensure under this chapter, in order
151 to engage in an internship or residency program of supervised clinical training necessary to

152 meet the requirements for licensure as:

153 (a) a marriage and family therapist under Part 3, Marriage and Family Therapist
154 Licensing Act; or

155 (b) a [~~professional~~] clinical mental health counselor under Part 4, Professional
156 Counselor Licensing Act.

157 Section 3. Section **58-60-107** is amended to read:

158 **58-60-107. Exemptions from licensure.**

159 (1) Except as modified in Section 58-60-103, the exemptions from licensure in Section
160 58-1-307 apply to this chapter.

161 (2) (a) In addition to the exemptions from licensure in Section 58-1-307, the following
162 may engage in acts included within the definition of practice as a mental health therapist,
163 subject to the stated circumstances and limitations, without being licensed under this chapter:

164 (b) the following when practicing within the scope of the license held:

165 (i) a physician and surgeon or osteopathic physician and surgeon licensed under
166 Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;

167 (ii) an advanced practice registered nurse, specializing in psychiatric mental health
168 nursing, licensed under Chapter 31b, Nurse Practice Act; and

169 (iii) a psychologist licensed under Chapter 61, Psychologist Licensing Act;

170 (3) a recognized member of the clergy while functioning in [~~his~~] a ministerial capacity
171 as long as [~~he~~] the member of the clergy does not represent [~~himself as~~] that the member of the
172 clergy is, or use the title of, a license classification in Subsection 58-60-102(5);

173 (4) an individual who is offering expert testimony in [~~any~~] a proceeding before a court,
174 administrative hearing, deposition upon the order of [~~any~~] a court or other body having power
175 to order the deposition, or [~~proceedings~~] a proceeding before [~~any~~] a master, referee, or
176 alternative dispute resolution provider;

177 (5) an individual engaged in performing hypnosis who is not licensed under this title in
178 a profession which includes hypnosis in its scope of practice, and who:

179 (a) (i) induces a hypnotic state in a client for the purpose of increasing motivation or
180 altering lifestyles or habits, such as eating or smoking, through hypnosis;

181 (ii) consults with a client to determine current motivation and behavior patterns;

182 (iii) prepares the client to enter hypnotic states by explaining how hypnosis works and

- 183 what the client will experience;
- 184 (iv) tests clients to determine degrees of suggestibility;
- 185 (v) applies hypnotic techniques based on interpretation of consultation results and
186 analysis of client's motivation and behavior patterns; and
- 187 (vi) trains clients in self-hypnosis conditioning;
- 188 (b) may not:
- 189 (i) engage in the practice of mental health therapy;
- 190 (ii) ~~represent himself using the~~ use the title of a license classification in Subsection
191 58-60-102(5); or
- 192 (iii) use hypnosis with or treat a medical, psychological, or dental condition defined in
193 generally recognized diagnostic and statistical manuals of medical, psychological, or dental
194 disorders;
- 195 (6) an individual's exemption from licensure under Subsection 58-1-307(1)(b)
196 terminates when the student's training is no longer supervised by qualified faculty or staff and
197 the activities are no longer a defined part of the degree program;
- 198 (7) an individual holding an earned doctoral degree or master's degree in social work,
199 marriage and family therapy, or ~~professional~~ clinical mental health counseling, who is
200 employed by an accredited institution of higher education and who conducts research and
201 teaches in that individual's professional field, but only if the individual does not engage in
202 providing or supervising professional services regulated under this chapter to individuals or
203 groups regardless of whether there is compensation for the services;
- 204 (8) an individual in an on-the-job training program approved by the division while
205 under the supervision of qualified persons;
- 206 (9) an individual providing general education in the subjects of alcohol ~~or~~, drug use,
207 or ~~abuse~~ substance use disorders, including prevention; and
- 208 (10) an individual providing advice or counsel to another individual in a setting of their
209 association as friends or relatives and in a nonprofessional and noncommercial relationship, if
210 there is no compensation paid for the advice or counsel.

211 Section 4. Section **58-60-109** is amended to read:

212 **58-60-109. Unlawful conduct.**

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

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

- 216 (a) mental health therapy;
- 217 (b) clinical social work;
- 218 (c) certified social work;
- 219 (d) marriage and family therapy;
- 220 (e) ~~[professional counseling]~~ clinical mental health counselor;
- 221 (f) practice as a social service worker; or
- 222 (g) ~~[licensed]~~ substance ~~[abuse]~~ use disorder counselor;

223 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
224 documented to the division ~~[his]~~ the licensed psychologist's completion of the supervised
225 training in mental health therapy required under Subsection 58-61-304(1)(f); or

226 (3) representing oneself as, or using the title of ~~[any of]~~, the following unless currently
227 licensed in a license classification under this title:

- 228 (a) psychiatrist;
- 229 (b) psychotherapist;
- 230 (c) registered psychiatric mental health nurse specialist;
- 231 (d) mental health therapist;
- 232 (e) clinical social worker;
- 233 (f) certified social worker;
- 234 (g) marriage and family therapist;
- 235 (h) ~~[professional]~~ clinical mental health counselor;
- 236 (i) clinical hypnotist;
- 237 (j) social service worker;
- 238 (k) ~~[licensed]~~ substance ~~[abuse]~~ use disorder counselor;
- 239 (l) associate ~~[professional]~~ clinical mental health counselor; or
- 240 (m) associate marriage and family therapist.

241 Section 5. Section **58-60-115** is amended to read:

242 **58-60-115. License by endorsement.**

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

- 244 (1) submits an application on a form provided by the division;

- 245 (2) pays a fee determined by the department under Section 63J-1-504;
- 246 (3) provides documentation of current licensure in good standing in ~~[any]~~ a state,
247 district, or territory of the United States to practice in the profession for which licensure is
248 being sought;
- 249 (4) except as provided in Subsection (5), provides documentation that the person has
250 engaged in the lawful practice of the profession for which licensure is sought for ~~[not less than]~~
251 at least 4,000 hours, of which 1,000 hours are in mental health therapy;
- 252 (5) if ~~[the person is]~~ applying for a license to practice as a licensed substance ~~[abuse]~~
253 use disorder counselor, provides documentation that the person ~~[has]~~:
- 254 (a) has engaged in the lawful practice of the profession for ~~[not less than]~~ at least 4,000
255 hours; and
- 256 (b) has passed an examination approved by the division, by rule, to establish
257 proficiency in the profession;
- 258 (6) has passed the profession specific jurisprudence examination if required of a new
259 applicant; and
- 260 (7) is of good moral character and professional standing, and has no disciplinary action
261 pending or in effect against the applicant's license in any jurisdiction.

262 Section 6. Section **58-60-117** is amended to read:

263 **58-60-117. Externship licenses.**

- 264 (1) The division shall issue a temporary license under Part 2, Social Worker Licensing
265 Act, Part 3, Marriage and Family Therapist Licensing Act, or Part 4, ~~[Professional]~~ Clinical
266 Mental Health Counselor Licensing Act, of this chapter to a person who:
- 267 (a) submits an application for licensure under Part 2, Social Worker Licensing Act,
268 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, ~~[Professional]~~ Clinical Mental
269 Health Counselor Licensing Act;
- 270 (b) pays a fee determined by the department under Section 63J-1-504;
- 271 (c) holds an earned doctoral degree or master's degree in a discipline that is a
272 prerequisite for practice as a mental health therapist;
- 273 (d) has one or more deficiencies in course work, experience, or training;
- 274 (e) provides mental health therapy as an employee of a public or private organization,
275 which provides mental health therapy, while under the supervision of a person licensed under

276 this chapter; and

277 (f) is of good moral character and has no disciplinary action pending or in effect
278 against the applicant in connection with the practice of mental health therapy, in any
279 jurisdiction.

280 (2) A temporary license issued under this section shall expire upon the earlier of:

281 (a) issuance of the license applied for; or

282 (b) three years from the date the temporary license was issued.

283 (3) The temporary license issued under this section is an externship license.

284 Section 7. Section **58-60-401** is amended to read:

285 **Part 4. Clinical Mental Health Counselor Licensing Act**

286 **58-60-401. Title.**

287 This part is known as the [~~Professional~~] "Clinical Mental Health Counselor Licensing
288 Act."

289 Section 8. Section **58-60-402** is amended to read:

290 **58-60-402. Definitions.**

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

292 (1) "Board" means the [~~Professional~~] Clinical Mental Health Counselor Licensing
293 Board created in Section 58-60-403.

294 (2) "Practice of [~~professional~~] clinical mental health counseling" means the practice of
295 mental health therapy by means of observation, description, evaluation, interpretation,
296 intervention, and treatment to effect modification of human behavior by the application of
297 generally recognized [~~professional~~] clinical mental health counseling principles, methods, and
298 procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or
299 dysfunction, symptoms of any of these, or maladaptive behavior.

300 Section 9. Section **58-60-403** is amended to read:

301 **58-60-403. Board.**

302 (1) There is created the [~~Professional~~] Clinical Mental Health Counselor Licensing
303 Board consisting of four [~~professional~~] clinical mental health counselors and one member from
304 the general public.

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

307 (3) The duties and responsibilities of the board are in accordance with Sections
308 58-1-202 and 58-1-203. In addition, the board shall:

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

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

315 Section 10. Section **58-60-404** is amended to read:

316 **58-60-404. License classifications.**

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

319 (1) a [~~professional~~] clinical mental health counselor; or

320 (2) an associate [~~professional~~] clinical mental health counselor.

321 Section 11. Section **58-60-405** is amended to read:

322 **58-60-405. Qualifications for licensure.**

323 (1) [~~All applicants~~] An applicant for licensure as a [~~professional~~] clinical mental health
324 counselor shall:

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

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

327 (c) be of good moral character;

328 (d) produce certified transcripts from an accredited institution of higher education
329 recognized by the division in collaboration with the board verifying satisfactory completion of:

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

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

334 (e) have completed a minimum of 4,000 hours of [~~professional~~] clinical mental health
335 counselor training as defined by division rule under Section 58-1-203, in not less than two
336 years, under the supervision of a [~~professional~~] clinical mental health counselor, psychiatrist,
337 psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or

338 marriage and family therapist supervisor approved by the division in collaboration with the
339 board, and obtained after completion of the education requirement in Subsection (1)(d);

340 (f) document successful completion of not less than 1,000 hours of supervised training
341 in mental health therapy obtained after completion of the education requirement in Subsection
342 (1)(d), which training may be included as part of the 4,000 hours of training in Subsection
343 (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were
344 obtained under the direct personal face to face supervision of a mental health therapist
345 approved by the division in collaboration with the board; and

346 (g) pass the examination requirement established by division rule under Section
347 58-1-203.

348 (2) (a) ~~[All applicants]~~ An applicant for licensure as an associate ~~[professional]~~ clinical
349 mental health counselor shall comply with the provisions of Subsections (1)(a), (b), (c), and
350 (d).

351 (b) ~~[An]~~ Except as provided under Subsection (2)(c), an individual's licensure as an
352 associate ~~[professional]~~ clinical mental health counselor is limited to the period of time
353 necessary to complete clinical training as described in Subsections (1)(e) and (f) and extends
354 not more than one year from the date the minimum requirement for training is completed[
355 ~~unless the individual]~~.

356 (c) The time period under Subsection (2)(b) may be extended to a maximum of two
357 years past the date the minimum supervised clinical training requirement has been completed,
358 if the applicant presents satisfactory evidence to the division and the appropriate board that the
359 individual is:

360 (i) making reasonable progress toward passing of the qualifying examination for that
361 profession; or [is]

362 (ii) otherwise on a course reasonably expected to lead to licensure[~~, but the period of~~
363 ~~time under this Subsection (2)(b) may not exceed two years past the date the minimum~~
364 ~~supervised clinical training requirement has been completed].~~

365 Section 12. Section **58-60-407** is amended to read:

366 **58-60-407. Scope of practice -- Limitations.**

367 (1) A licensed ~~[professional]~~ clinical mental health counselor may engage in all acts
368 and practices defined as the practice of ~~[professional]~~ clinical mental health counseling without

369 supervision, in private and independent practice, or as an employee of another person, limited
 370 only by the licensee's education, training, and competence.

371 (2) (a) To the extent an individual has completed the educational requirements of
 372 Subsection 58-60-305(1)(d), a licensed associate [~~professional~~] clinical mental health counselor
 373 may engage in all acts and practices defined as the practice of [~~professional~~] clinical mental
 374 health counseling if the practice is:

375 (i) within the scope of employment as a licensed [~~professional~~] clinical mental health
 376 counselor with a public agency or private clinic as defined by division rule; and

377 (ii) under supervision of a qualified licensed mental health therapist as defined in
 378 [~~Subsection~~] Section 58-60-102[~~(5)~~].

379 (b) A licensed associate [~~professional~~] clinical mental health counselor may not engage
 380 in the independent practice of [~~professional~~] clinical mental health counseling.

381 Section 13. Section **58-60-501** is amended to read:

382 **Part 5. Substance Use Disorder Counselor Act**

383 **58-60-501. Title.**

384 This part is known as the "Substance [~~Abuse~~] Use Disorder Counselor Act."

385 Section 14. Section **58-60-502** is amended to read:

386 **58-60-502. Definitions.**

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

388 [~~(1) "Approved agency" means an agency licensed by the Department of Human~~
 389 ~~Services or a general acute hospital or specialty hospital as defined in Section 26-21-2 and~~
 390 ~~licensed by the state Department of Health that:]~~

391 [~~(a) provides substance abuse services; and]~~

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

395 [~~(2)~~] (1) "Board" means the Substance [~~Abuse~~] Use Disorder Counselor Licensing
 396 Board created in Section 58-60-503.

397 (2) (a) "Counseling" means a collaborative process that facilitates the client's progress
 398 toward mutually determined treatment goals and objectives.

399 (b) "Counseling" includes:

400 (i) methods that are sensitive to an individual client's characteristics, to the influence of
401 significant others, and to the client's cultural and social context; and

402 (ii) an understanding, appreciation, and ability to appropriately use the contributions of
403 various addiction counseling models as the counseling models apply to modalities of care for
404 individuals, groups, families, couples, and significant others.

405 (3) "Direct supervision" means:

406 (a) ~~[a supervisor provides]~~ a minimum of one hour of supervision ~~[to the licensed~~
407 ~~substance abuse]~~ by a supervisor of the substance use disorder counselor for every 40 hours of
408 client care provided by the substance use disorder counselor, which supervision may include
409 group supervision;

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

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

413 (4) "General supervision" shall be defined by ~~[the]~~ division ~~[by]~~ rule.

414 (5) "Group supervision" means more than one counselor licensed under this part meets
415 with the supervisor at the same time.

416 (6) "Individual supervision" means only one counselor licensed under this part meets
417 with the supervisor at a given time.

418 (7) "Practice as a certified advanced substance use disorder counselor" and "Practice as
419 a certified advanced substance use disorder counselor intern" means providing services
420 described in Subsection (9) under the direct supervision of a mental health therapist or licensed
421 advanced substance use disorder counselor.

422 (8) "Practice as a certified substance use disorder counselor" and "Practice as a
423 certified substance use disorder counselor intern" means providing the services described in
424 Subsections (10)(a) and (b) under the direct supervision of a mental health therapist or licensed
425 advanced substance use disorder counselor.

426 (9) "Practice as a licensed advanced substance use disorder counselor" means:

427 (a) providing the services described in Subsections (10)(a) and (b);

428 (b) screening and assessing of individuals, including identifying substance use disorder
429 symptoms and behaviors and co-occurring mental health issues; and

430 (c) treatment planning for substance use disorders, including initial planning, ongoing

431 intervention, continuity of care, discharge planning, planning for relapse prevention, and long
432 term recovery support.

433 ~~[(7)]~~ (10) (a) "Practice as a ~~[licensed]~~ substance ~~[abuse]~~ use disorder counselor" means
434 providing services as an employee of ~~[an approved]~~ a substance use disorder agency under the
435 general supervision of a licensed mental health therapist~~;~~ to individuals or groups of persons
436 for conditions of substance ~~[abuse,]~~ use disorders consistent with the education and training of
437 a ~~[licensed]~~ substance ~~[abuse]~~ use disorder counselor required under this part, and the standards
438 and ethics of the profession as approved by the division in collaboration with the board~~[-and~~
439 ~~includes:]~~.

440 (b) "Practice as a substance use disorder counselor" includes:

441 (i) administering the screening process by which a client is determined ~~[appropriate~~
442 ~~and eligible for admission to a particular program]~~ to need substance use disorder services,
443 which may include screening, brief intervention, and treatment referral;

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

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

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

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

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

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

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

452 (iv) conducting ~~[those]~~ assessment procedures by which a substance ~~[abuse]~~ use
453 disorder counselor ~~[identifies]~~ gathers information related to an individual's strengths,
454 weaknesses, ~~[problems, and needs]~~ needs, and substance use disorder symptoms for the
455 development of the treatment plan;

456 (v) participating in the process of treatment planning ~~[by which]~~, including
457 recommending specific interventions to support existing treatment goals and objectives
458 developed by the substance [abuse] use disorder counselor, the mental health therapist, and the
459 client to:

460 (A) identify and rank problems needing resolution;

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

- 462 (C) decide on a treatment process and the resources to be utilized;
- 463 (vi) monitoring compliance with treatment plan progress;
- 464 ~~[(vi)]~~ (vii) providing substance [abuse] use disorder counseling services to alcohol and
465 drug ~~[abuse]~~ use disorder clients and significant ~~[other persons]~~ people in the client's life as
466 part of a comprehensive treatment plan, including ~~[the following, but not including mental~~
467 ~~health therapy]~~:
- 468 (A) leading specific task-oriented groups, didactic groups, and group discussions;
- 469 (B) cofacilitating group therapy with a licensed mental health therapist; and
- 470 (C) engaging in one-on-one interventions and interactions coordinated ~~[and directly~~
471 ~~supervised]~~ by a mental health therapist;
- 472 ~~[(vii)]~~ (viii) performing case management activities [which] that bring services,
473 agencies, resources, or people together within a planned framework of action toward the
474 achievement of established goals, including, when appropriate, liaison activities and collateral
475 contacts;
- 476 ~~[(viii)]~~ (ix) providing substance [abuse] use disorder crisis intervention services;
- 477 ~~[(ix)]~~ (x) providing client education to individuals and groups concerning alcohol and
478 other ~~[drug abuse]~~ substance use disorders, including identification and description of available
479 treatment services and resources;
- 480 ~~[(x)]~~ (xi) identifying the needs of the client that cannot be met by the substance [abuse]
481 use disorder counselor or substance use disorder agency and referring the client to appropriate
482 services and community resources;
- 483 ~~[(xi)]~~ (xii) developing and providing effective reporting and recordkeeping procedures
484 and services, which include charting the results of the assessment and treatment plan, writing
485 reports, progress notes, discharge summaries, and other client-related data; and
- 486 ~~[(xii)]~~ (xiii) consulting with other professionals in regard to client treatment and
487 services to assure comprehensive quality care for the client.
- 488 ~~[(b) "Practice as a certified substance abuse counselor, certified substance abuse~~
489 ~~counselor intern, or certified substance abuse counselor extern" means providing the services~~
490 ~~described in Subsections (7)(a) and (b) under the direct supervision of a mental health therapist~~
491 ~~or licensed substance abuse counselor.]~~
- 492 ~~[(c) "Practice as a licensed substance abuse counselor" does not include:]~~

493 ~~[(i) the diagnosing of mental illness, including substance abuse, as defined in Section~~
 494 ~~58-60-102;]~~

495 ~~[(ii) engaging in the practice of mental health therapy as defined in Section 58-60-102;~~
 496 ~~or]~~

497 ~~[(iii) the performance of a substance abuse diagnosis, any other mental illness~~
 498 ~~diagnosis, or psychological testing;]~~

499 (c) "Practice as a substance use disorder counselor" does not include:

500 (i) the diagnosing of mental illness, including substance use disorders, as defined in
 501 Section 58-60-102;

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

504 (iii) the performance of a substance use disorder diagnosis, other mental illness
 505 diagnosis, or psychological testing.

506 ~~[(8)]~~ (11) "Program" means [a residential or nonresidential program] a substance use
 507 disorder agency that provides substance [abuse] use disorder services, including recovery
 508 support services.

509 (12) "Recovery support services" means services provided to an individual who is
 510 identified as having need of substance use disorder preventive or treatment services, either
 511 before, during, or after an episode of care that meets the level of care standards established by
 512 division rule.

513 (13) "Substance use disorder agency" means a public or private agency, health care
 514 facility, or health care practice that:

515 (a) provides substance use disorder services, recovery support services, primary health
 516 care services, or substance use disorder preventive services; and

517 (b) employs qualified mental health therapists in sufficient number to:

518 (i) evaluate the condition of clients being treated by each counselor licensed under this
 519 part and employed by the substance use disorder agency; and

520 (ii) ensure that appropriate substance use disorder services are being given.

521 ~~[(9)]~~ (14) "Substance [abuse] use disorder education program" means a formal program
 522 of substance [abuse] use disorder education offered by an accredited institution of higher
 523 education that meets standards established by [the] division [by] rule [in collaboration with the

524 board and includes a minimum of 300 hours of classroom education and a supervised field
525 work practicum of at least 300 hours].

526 Section 15. Section **58-60-503** is amended to read:

527 **58-60-503. Board.**

528 (1) There is created the Substance [~~Abuse~~] Use Disorder Counselor Licensing Board
529 consisting of:

530 (a) three [~~licensed~~] substance [~~abuse~~] use disorder counselors;

531 (b) three mental health therapists qualified by education [~~and~~] or experience to treat
532 substance [~~abuse~~] use disorder and who are currently practicing in the substance [~~abuse~~] use
533 disorder field; and

534 (c) one public member.

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

536 (3) The duties and responsibilities of the board are in accordance with Sections
537 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a
538 permanent or rotating basis to:

539 (a) assist the division in reviewing complaints concerning the unlawful or
540 unprofessional conduct of a licensee; and

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

542 (4) A board member who has, under Subsection (3), reviewed a complaint or advised
543 in the investigation of a complaint may be disqualified from participating with the board when
544 the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

545 Section 16. Section **58-60-504** is amended to read:

546 **58-60-504. License classification.**

547 The division shall issue substance use disorder counselor licenses to individuals
548 qualified under this part in the classification of:

549 (1) licensed advanced substance [~~abuse~~] use disorder counselor;

550 (2) certified advanced substance [~~abuse~~] use disorder counselor;

551 (3) certified advanced substance [~~abuse~~] use disorder counselor intern; [~~and~~]

552 (4) licensed substance use disorder counselor;

553 [~~(4)~~] (5) certified substance [~~abuse~~] use disorder counselor [~~extern.]; and~~

554 (6) certified substance use disorder counselor intern.

555 Section 17. Section **58-60-506** is amended to read:

556 **58-60-506. Qualifications for licensure on and after July 1, 2012.**

557 (1) An applicant for licensure under this part on and after July 1, ~~[2007]~~ 2012, must
558 meet the following qualifications:

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

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

561 (c) be of good moral character;

562 (d) satisfy the requirements of Subsection (2), (3), (4), ~~[or]~~ (5), (6), or (7) respectively;

563 and

564 (e) except for licensure as a certified substance ~~[abuse]~~ use disorder counselor intern
565 and a certified advanced substance use disorder counselor intern, satisfy the examination
566 requirement established by division rule under Section 58-1-203.

567 (2) ~~[An]~~ In accordance with division rules, an applicant for licensure as ~~[a licensed]~~ an
568 advanced substance ~~[abuse]~~ use disorder counselor shall ~~[-(a)]~~ produce:

569 ~~[(i)]~~ (a) certified transcripts from an accredited institution of higher education ~~[meeting~~
570 ~~standards established by the division by rule in collaboration with the board verifying]~~ that:

571 (i) meet division standards;

572 (ii) verify the satisfactory completion of a baccalaureate or graduate degree ~~[in~~
573 ~~behavioral or social sciences];~~ and

574 (iii) verify the completion of prerequisite courses established by division rules;

575 ~~[(ii)]~~ (b) documentation of the applicant's completion of a substance ~~[abuse]~~ use
576 disorder education program ~~[-and]~~ that includes:

577 ~~[(iii) documentation of the applicant's completion of 2,000 hours of supervised~~
578 ~~experience in substance abuse treatment.]~~

579 ~~[(A) meeting standards established by the division in collaboration with the board; and]~~

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

584 ~~[(b) produce:]~~

585 ~~[(i) certified transcripts from an accredited institution meeting standards established by~~

586 ~~the division by rule in collaboration with the board verifying satisfactory completion of a~~
587 ~~baccalaureate or graduate degree or a high school diploma or equivalent;]~~

588 ~~[(ii) documentation of the applicant's completion of a substance abuse education~~
589 ~~program; and]~~

590 ~~(i) at least 300 hours of substance use disorder related education, of which 200 hours~~
591 ~~may have been obtained while qualifying for a substance use disorder counselor license;~~

592 ~~(ii) a supervised practicum of at least 350 hours, of which 200 hours may have been~~
593 ~~obtained while qualifying for a substance use disorder counselor license; and~~

594 ~~[(iii) (c) documentation of the applicant's completion of at least 4,000 hours of~~
595 ~~supervised experience in substance ~~[abuse] use disorder~~ treatment, of which 2,000 hours may~~
596 ~~have been obtained while qualifying for a substance use disorder counselor license, that:~~

597 ~~[(A) meeting standards established by the division in collaboration with the board; and]~~

598 ~~(i) meets division standards; and~~

599 ~~[(B) (ii) is performed within a four-year period after the applicant's completion of the~~
600 ~~substance ~~[abuse] use disorder~~ education program described in Subsection (2)(b)[(ii)], unless~~
601 ~~[the time for performance is extended, due to an extenuating circumstance, by the division;~~
602 ~~after consultation with the board;], as determined by the division after consultation with the~~
603 ~~board, the time for performance is extended due to an extenuating circumstance.~~

604 ~~[(c) before January 1, 2009, produce:]~~

605 ~~[(i) certified transcripts from an accredited institution of higher education meeting~~
606 ~~standards established by the division by rule in collaboration with the board verifying~~
607 ~~satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;~~
608 ~~and]~~

609 ~~[(ii) documentation of the applicant's completion of 4,000 hours of supervised~~
610 ~~experience in substance abuse treatment:]~~

611 ~~[(A) meeting standards established by the division in collaboration with the board; and]~~

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

613 ~~[(d) before January 1, 2009, produce:]~~

614 ~~[(i) certified transcripts from an accredited institution meeting standards established by~~
615 ~~the division by rule in collaboration with the board verifying satisfactory completion of a~~
616 ~~baccalaureate or graduate degree or a high school diploma or equivalent; and]~~

617 ~~[(ii) documentation of the applicant's completion of 6,000 hours of supervised~~
618 ~~experience in substance abuse treatment:]~~

619 ~~[(A) meeting standards established by the division in collaboration with the board; and]~~
620 ~~[(B) performed within a six-year period:]~~

621 ~~[(3) An applicant for licensure as a certified substance abuse counselor shall:]~~
622 ~~[(a) produce:]~~

623 ~~[(i) certified transcripts from an accredited institution of higher education meeting~~
624 ~~standards established by the division by rule in collaboration with the board verifying~~
625 ~~satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;~~
626 ~~and]~~

627 ~~[(ii) documentation of the applicant's completion of a substance abuse education~~
628 ~~program:]~~

629 ~~[(b) produce:]~~

630 ~~[(i) certified transcripts from an accredited institution meeting standards established by~~
631 ~~the division by rule in collaboration with the board verifying satisfactory completion of a~~
632 ~~baccalaureate or graduate degree or a high school diploma or equivalent; and]~~

633 ~~[(ii) documentation of the applicant's completion of a substance abuse education~~
634 ~~program:]~~

635 ~~[(c) before January 1, 2009, produce certified transcripts from an accredited institution~~
636 ~~of higher education meeting standards established by the division by rule in collaboration with~~
637 ~~the board verifying satisfactory completion of a baccalaureate or graduate degree in behavioral~~
638 ~~or social sciences; or]~~

639 ~~[(d) before January 1, 2009, produce certified transcripts from an accredited institution~~
640 ~~meeting standards established by the division by rule in collaboration with the board verifying~~
641 ~~satisfactory completion of a baccalaureate or graduate degree or a high school diploma or~~
642 ~~equivalent:]~~

643 (3) An applicant for licensure as a certified advanced substance use disorder counselor
644 shall meet the requirements in Subsections (2)(a) and (b).

645 (4) (a) An applicant for licensure as a certified advanced substance [abuse] use disorder
646 counselor intern shall meet the requirements [for licensure as a certified substance abuse
647 counselor under Subsection (3)] in Subsections (2)(a) and (b).

648 (b) A certified advanced substance [~~abuse~~] use disorder counselor intern license
649 expires at the earlier of:

650 (i) the licensee passing the examination required for licensure as a certified advanced
651 substance [~~abuse~~] use disorder counselor; or

652 (ii) six months after the certified advanced substance [~~abuse~~] use disorder counselor
653 intern license is issued.

654 (5) In accordance with division rules, an applicant for licensure as a substance use
655 disorder counselor shall produce:

656 (a) certified transcripts from an accredited institution that:

657 (i) meet division standards;

658 (ii) verify satisfactory completion of an associate's degree or equivalent degree; and

659 (iii) verify the completion of prerequisite courses established by division rules;

660 (b) documentation of the applicant's completion of a substance use disorder education
661 program that includes:

662 (i) completion of at least 200 hours of substance use disorder related education; and

663 (ii) completion of a supervised practicum of at least 200 hours; and

664 (c) documentation of the applicant's completion of at least 2,000 hours of supervised
665 experience in substance use disorder treatment that:

666 (i) meets division standards; and

667 (ii) is performed within a two-year period after the applicant's completion of the
668 substance use disorder education program described in Subsection (5)(b), unless, as determined
669 by the division after consultation with the board, the time for performance is extended due to
670 an extenuating circumstance.

671 ~~[(5)(a)]~~ (6) An applicant for licensure as a certified substance [~~abuse~~] use disorder
672 counselor [~~extern~~] shall meet the requirements of [~~Subsection (2)(a)(iii) or (2)(b)(iii)]~~
673 Subsections (5)(a) and (b).

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

676 ~~[(c) A certified substance abuse counselor extern whose license expires before the~~
677 ~~licensee completes a substance abuse education program under Subsection (2)(a)(ii) or~~
678 ~~(2)(b)(ii) may not practice under this part until the licensee meets the requirements of~~

679 Subsection (2) or (3):]

680 (7) (a) An applicant for licensure as a certified substance use disorder counselor intern
681 shall meet the requirements of Subsections (5)(a) and (b).

682 (b) A certified substance use disorder counselor intern license expires at the earlier of:

683 (i) the licensee passing the examination required for licensure as a certified substance
684 use disorder counselor; or

685 (ii) six months after the certified substance use disorder counselor intern license is
686 issued.

687 Section 18. Section **58-60-508** is amended to read:

688 **58-60-508. Substance use disorder counselor supervisor's qualifications --**

689 **Functions.**

690 (1) [Each] A mental health therapist supervisor of [licensed] a substance [abuse
691 counselors] use disorder counselor shall:

692 (a) be [~~a licensed mental health therapist~~] qualified by education [~~and~~] or experience to
693 treat substance [~~abuse~~] use disorders;

694 (b) be currently working in the substance [~~abuse~~] use disorder treatment field;

695 (c) review substance [~~abuse~~] use disorder counselor assessment procedures and
696 recommendations;

697 (d) provide substance [~~abuse~~] use disorder diagnosis and other mental health diagnoses
698 in accordance with Subsection 58-60-102(7);

699 (e) [~~participate in~~] supervise the development of a treatment plan;

700 (f) approve the treatment plan; and

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

703 (2) [Each] A supervisor of a certified substance [abuse] use disorder counselor,
704 certified substance [abuse] use disorder counselor intern, [or] certified advanced substance
705 [abuse] use disorder counselor [extern shall], certified advanced substance use disorder
706 counselor intern, or licensed substance use disorder counselor may:

707 (a) [~~(i)~~] be a licensed advanced substance [~~abuse~~] use disorder counselor with:

708 [~~(A)~~] (i) until July 1, [~~2011~~] 2014, at least [~~one year~~] two years of experience as a

709 [~~licensed~~] substance [~~abuse~~] use disorder counselor; or

710 ~~[(B)]~~ (ii) beginning on July 1, ~~[2011]~~ 2014, at least two years of experience as a
711 licensed advanced substance ~~[abuse]~~ use disorder counselor; or
712 ~~[(ii) be a licensed mental health therapist qualified by education and experience to treat~~
713 ~~substance abuse;]~~
714 (b) be currently working in the substance ~~[abuse]~~ use disorder field; and
715 (c) provide direct supervision for no more than three persons, unless granted an
716 exception in writing from the board and the division.

717 Section 19. Section **58-60-511** is amended to read:

718 **58-60-511. Experience requirement -- Transition of licensing and experience.**

719 (1) Except as otherwise approved in writing by the board and the division, ~~[hours of~~
720 ~~experience required by Section 58-60-506 that are earned after January 1, 2008, shall be earned~~
721 ~~while the person earning the hours is licensed under this part.]~~ an individual currently licensed
722 as a substance abuse counselor may transition to the substance use disorder counselor license
723 as follows:

724 (a) an individual who documents practice as a substance abuse counselor for six years
725 or longer, by July 1, 2013, may apply for an advanced substance use disorder license;

726 (b) if an individual who has practiced as a substance abuse counselor for less than six
727 years of experience meets the education requirements under Subsection 58-60-506(2)(a) by
728 July 1, 2013, the individual may apply to the division for an advanced substance use disorder
729 license;

730 (c) the division shall convert the license of an individual who has practiced for less
731 than six years, and who is licensed as a substance abuse counselor, to a substance use disorder
732 counselor license; or

733 (d) the division shall convert the license of an individual who is a certified substance
734 abuse counselor, or a certified substance abuse counselor intern, to a certified substance use
735 disorder counselor.

736 (2) An applicant working toward licensure under division rules in effect before July 1,
737 ~~[2007 who has 200 or more]~~ 2012, who is enrolled in an approved education program, and has
738 completed at least 100 hours of addiction-specific training ~~[conducted at an approved agency~~
739 ~~before July 1, 2007 may apply in writing to extend the time to complete the remainder of the~~
740 ~~training requirement until July 1, 2008.]~~ before July 1, 2012, may be licensed in accordance

741 with division rules.

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

744 ~~[(b) The division shall grant a request for credit under Subsection (3)(a) if the~~
 745 ~~experience completed before January 1, 2008 is reasonably equivalent to the experience~~
 746 ~~required by this part.]~~

747 Section 20. Section **62A-15-402** is enacted to read:

748 **62A-15-402. Rules for substance use disorder peer support specialist training and**
 749 **certification.**

750 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act the
 751 division shall make rules:

752 (1) establishing a peer support services program for substance use disorder peer
 753 support services, including peer support specialist qualifications and peer support certification
 754 training curriculum;

755 (2) establishing the scope of work and supervision requirements for peer support
 756 specialists; and

757 (3) establishing criteria or guidelines for certifying and recertifying:

758 (i) a peer support specialist certification seminar; and

759 (ii) a peer support specialist training course.

760 Section 21. Section **78B-3-501** is amended to read:

761 **78B-3-501. Definitions.**

762 As used in this part, "therapist" means:

763 (1) a psychiatrist licensed to practice medicine under Section 58-67-301, Utah Medical
 764 Practice Act or under Section 58-68-301, Utah Osteopathic Medical Practice Act;

765 (2) a psychologist licensed to practice psychology under Section 58-61-301;

766 (3) a marriage and family therapist licensed to practice marriage and family therapy
 767 under Section 58-60-304;

768 (4) a social worker licensed to practice social work under Section 58-60-204;

769 (5) a psychiatric and mental health nurse specialist licensed to practice advanced
 770 psychiatric nursing under Title 58, Chapter 31b, Nurse Practice Act; and

771 (6) a [~~professional~~] clinical mental health counselor licensed to practice professional

772 counseling under Title 58, Chapter 60, Part 4, [~~Professional~~] Clinical Mental Health Counselor
773 Licensing Act.

774 Section 22. **Effective date.**

775 This bill takes effect on July 1, 2012.

Legislative Review Note

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Office of Legislative Research and General Counsel