

SB0081S03 compared with SB0081

{Omitted text} shows text that was in SB0081 but was omitted in SB0081S03

inserted text shows text that was not in SB0081 but was inserted into SB0081S03

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1 **Dyslexia Testing Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jen Plumb
House Sponsor: Ariel Defay



2
3 **LONG TITLE**

4 **General Description:**

5 This bill {~~expands the licensed professionals permitted to administer a~~} addresses dyslexia
assessment and diagnosis.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ {~~provides that is not unlawful or unprofessional conduct for a licensed mental health
therapist to administer a dyslexia assessment, if the mental health therapist, by training,
education, and experience, is qualified to administer the assessment;~~}

11 ▶ requires a school district or charter school to take certain actions, including individualized
intervention, if a {~~qualifying~~} dyslexia assessment {~~shows~~} administered by a licensed individual
practicing within the scope of practice for the individual's license, indicates that a student lacks reading
competency, {~~shows signs~~} demonstrates characteristics of dyslexia, or is lagging in acquiring a
reading skill;

13 ▶ provides certain protections to educational professionals;

14 ▶

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amends provisions related to the scope of practice for mental health therapists and psychologists to:

- align with an approved diagnostic and statistical manual for mental disorders; and
 - clarify that the scope of practice includes the evaluation and treatment of disorders as defined in the approved diagnostic and statistical manual for mental disorders, including dyslexia;
- defines terms; and
 - makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-4-307 , as last amended by Laws of Utah 2024, Chapter 60

~~**58-1-501** , as last amended by Laws of Utah 2025, Chapter 138}~~

58-60-102 , as last amended by Laws of Utah 2025, Chapter 367

58-61-102 , as last amended by Laws of Utah 2024, Chapter 420

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

Section 1. Section **53E-4-307** is amended to read:

53E-4-307. Benchmark assessments in reading -- Report to parent.

(1) As used in this section:

(a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.

(b)

(i) "Diagnosis" means a formal determination that an individual has dyslexia based on a comprehensive evaluation conducted by a qualified professional acting within the scope of the professional's license or credentials.

(ii) "Diagnosis" does not mean:

(A) screening;

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- 44 (B) a recommendation from an educational professional to screen a student for dyslexia; or
46 (C) results from a diagnostic assessment.
- 32 ~~(b)~~ (c) "Diagnostic assessment" means an assessment that measures key literacy skills, including
phonemic awareness, sound-symbol recognition, alphabet knowledge, decoding and encoding skills,
and comprehension, to determine a student's specific strengths and weaknesses in a skill area.
- 36 ~~(e)~~ (d) "Dyslexia" means a learning disorder that:
37 (i) is neurological in origin and is characterized by difficulties with:
38 (A) accurate or fluent word recognition; and
39 (B) poor spelling and decoding abilities; and
40 (ii) typically results from a deficit in the phonological component of language that is often unexpected
in relation to other cognitive abilities and the provision of effective classroom instruction.
- 58 (e) "Dyslexia assessment" means a diagnostic assessment for the identification of dyslexia or a
psychoeducational evaluation for the diagnosis of dyslexia.
- 43 ~~(d)~~ (f) "Evidence-based" means the same as that term is defined in Section 53G-11-303.
44 ~~(e)~~ (g) "Evidence-informed" means the same as that term is defined in Section 53G-11-303.
- 63 (h) "Qualified professional" means an individual who has specialized formal training in identifying and
evaluating reading disorders, including dyslexia.
- 45 (f){(i)} "Qualifying dyslexia assessment" means a dyslexia assessment administered by ~~{a mental
health therapist as permitted by Subsection 58-1-501(7);}~~ an individual who is:
47 ~~{(2)}~~ licensed under Title 58, Occupations and Professions;
68 (ii) practicing within the scope of practice for the individual's license; and
69 (iii) competent by training, education, and experience to administer the dyslexia assessment.
- 71 (j) "Screening" means the use of evidence-based measures to identify whether a student may:
73 (i) be at risk for characteristics of dyslexia; and
74 (ii) need additional assessment, progress monitoring, and intervention related to dyslexia.
- 76 (2) The state board shall approve a benchmark assessment for use statewide by school districts and
charter schools to assess the reading competency of students in grades 1 through 6 as provided by
this section.
- 50 (3)
(a) A school district or charter school shall:

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52 [(a)] (i) administer benchmark assessments to students in grades 1, 2, and 3 at the beginning,
middle, and end of the school year using the benchmark assessment approved by the state board;
and

54 [(b)] (ii) after administering a benchmark assessment, report the results to a student's parent.

56 (b) A student's parent may provide the results of a qualifying dyslexia assessment to a school district or
charter school.

58 (4)

(a) If a benchmark assessment~~[-or]~~, supplemental reading assessment, or qualifying dyslexia
assessment indicates a student lacks competency in a reading skill, is demonstrating characteristics
of dyslexia, or is lagging behind other students in the student's grade in acquiring a reading skill, the
school district or charter school shall:

62 (i) administer diagnostic assessments to the student;

63 (ii) using data from the diagnostic assessment, provide specific, focused, and individualized
intervention or tutoring to develop the reading skill;

65 (iii) administer formative assessments and progress monitoring at recommended levels for the
benchmark assessment to measure the success of the focused intervention;

68 (iv) inform the student's parent of activities that the parent may engage in with the student to assist
the student in improving reading proficiency;

70 (v) provide information to the parent regarding appropriate interventions available to the student
outside of the regular school day that may include tutoring, before and after school programs, or
summer school; and

73 (vi) provide instructional materials that are evidence-informed for core instruction and evidence-
based for intervention and supplemental instruction.

75 (b) Nothing in this section or in Section 53F-4-203 or 53G-11-303 requires a reading software product
to demonstrate the statistically significant effect size described in Subsection 53G-11-303(1)(a) in
order to be used as an instructional material described in Subsection (4)(a)(vi).

79 (5)

(a) In accordance with Section 53F-4-201 and except as provided in Subsection (5)(b), the state board
shall contract with one or more educational technology providers for a benchmark assessment
system for reading for students in kindergarten through grade 6.

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(b) If revenue is insufficient for the benchmark assessment system for the grades described in Subsection (5)(a), the state board shall first prioritize funding a benchmark assessment for students in kindergarten through grade 3.

86 (6) A student with dyslexia is only eligible for special education services if the student meets federal eligibility criteria.

117 (7)

(a) A school district or charter school may not discipline, retaliate against, or subject to adverse employment action an educational professional solely for recommending or referring a student for dyslexia screening, consistent with:

120 (i) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; or

121 (ii) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

122 (b) An educational professional's recommendation that a student receive a dyslexia screening does not constitute a diagnosis of dyslexia.

88 ~~{Section 2. Section 58-1-501 is amended to read: }~~

89 **58-1-501. Unlawful and unprofessional conduct.**

90 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and includes:

92 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any profession requiring licensure under this title, except the behavioral health technician under Chapter 60, Part 6, Behavioral Health Coach and Technician Licensing Act, if the person is:

96 (i) not licensed to do so or not exempted from licensure under this title; or

97 (ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive license;

99 (b)

(i) impersonating another licensee or practicing a profession under a false or assumed name, except as permitted by law; or

101 (ii) for a licensee who has had a license under this title reinstated following disciplinary action, practicing the same profession using a different name than the name used before the disciplinary action, except as permitted by law and after notice to, and approval by, the division;

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- 108 (c) knowingly employing any other person to practice or engage in or attempt to practice or engage in
any profession licensed under this title if the employee is not licensed to do so under this title;
- (d) knowingly permitting the person's authority to practice or engage in any profession licensed under
this title to be used by another, except as permitted by law;
- 110 (e) obtaining a passing score on a licensure examination, applying for or obtaining a license, or
otherwise dealing with the division or a licensing board through the use of fraud, forgery, or
intentional deception, misrepresentation, misstatement, or omission;
- 113 (f)
- (i) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device to a
person located in this state:
- 115 (A) without prescriptive authority conferred by a license issued under this title, or by an exemption
to licensure under this title; or
- 117 (B) with prescriptive authority conferred by an exception issued under this title or a multistate
practice privilege recognized under this title, if the prescription was issued without first
obtaining information, in the usual course of professional practice, that is sufficient to establish
a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed
treatment; and
- 123 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call or cross coverage
situation, provided that the person who issues the prescription has prescriptive authority conferred
by a license under this title, or is exempt from licensure under this title; or
- 127 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a profession under
this title.
- 129 (2)
- (a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined as
unprofessional conduct under this title or under any rule adopted under this title and includes:
- 132 (i) violating any statute, rule, or order regulating an a profession under this title;
- 133 (ii) violating, or aiding or abetting any other person to violate, any generally accepted professional
or ethical standard applicable to an occupation or profession regulated under this title;
- 136 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in conviction, a
plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance pending
the successful completion of probation with respect to a crime that, when considered with the

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functions and duties of the profession for which the license was issued or is to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely or competently practice the profession;

- 142 (iv) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;
- 147 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the ability of the licensee or applicant to safely engage in the profession;
- 150 (vi) practicing or attempting to practice a profession regulated under this title despite being physically or mentally unfit to do so;
- 152 (vii) practicing or attempting to practice a or profession regulated under this title through gross incompetence, gross negligence, or a pattern of incompetency or negligence;
- 155 (viii) practicing or attempting to practice a profession requiring licensure under this title by any form of action or communication which is false, misleading, deceptive, or fraudulent;
- 158 (ix) practicing or attempting to practice a profession regulated under this title beyond the scope of the licensee's competency, abilities, or education;
- 160 (x) practicing or attempting to practice a profession regulated under this title beyond the scope of the licensee's license;
- 162 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license;
- 165 (xii) acting as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule;
- 167 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device:
- 169 (A) without first obtaining information in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to the proposed treatment; or

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- (B) with prescriptive authority conferred by an exception issued under this title, or a multi-state practice privilege recognized under this title, if the prescription was issued without first obtaining information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment;
- 178 (xiv) violating a provision of Section 58-1-501.5;
- 179 (xv) violating the terms of an order governing a license; or
- 180 (xvi) violating Section 58-1-511.
- 181 (b) "Unprofessional conduct" does not include:
- 182 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under this title, deviating from medical norms or established practices if the conditions described in Subsection (5) are met; and
- 185 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the health care provider deviates from medical norms or established practices, including the maladies the health care provider treats, if the health care provider:
- 188 (A) does not guarantee any results regarding any health care service;
- 189 (B) fully discloses on the health care provider's website that the health care provider deviates from medical norms or established practices with a conspicuous statement; and
- 192 (C) includes the health care provider's contact information on the website.
- 193 (3) Unless otherwise specified by statute or administrative rule, in a civil or administrative proceeding commenced by the division under this title, a person subject to any of the unlawful and unprofessional conduct provisions of this title is strictly liable for each violation.
- 197 (4) The following are not evidence of engaging in unprofessional conduct under Subsection (2)(a)(iii):
- 199 (a) an arrest not followed by a conviction; or
- 200 (b) a conviction for which an individual's incarceration has ended more than five years before the date of the division's consideration, unless:
- 202 (i) after the incarceration the individual has engaged in additional conduct that results in another conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance pending the successful completion of probation; or
- 206 (ii) the conviction was for:
- 207 (A) a violent felony as defined in Section 76-3-203.5;
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- 210 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual Offenses, or Title
76, Chapter 5b, Sexual Exploitation Act;
- 212 (C) a felony related to criminal fraud or embezzlement, including a felony under Title 76, Chapter 6,
Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft; or
- 216 (D) a crime or a pattern of crimes that demonstrates a substantial potential to harm Utah patients or
consumers, as may be determined by the director in a process defined by rule made in accordance
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 218 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from medical norms or
established practices if:
- 221 (a) the health care provider does not deviate outside of the health care provider's scope of practice
and possesses the education, training, and experience to competently and safely administer the
alternative health care service;
- 223 (b) the health care provider does not provide an alternative health care service that is otherwise contrary
to any state or federal law;
- 225 (c) the alternative health care service has reasonable potential to be of benefit to the patient to whom the
alternative health care service is to be given;
- 227 (d) the potential benefit of the alternative health care service outweighs the known harms or side effects
of the alternative health care service;
- 229 (e) the alternative health care service is reasonably justified under the totality of the circumstances;
- 230 (f) after diagnosis but before providing the alternative health care service:
- 232 (i) the health care provider educates the patient on the health care services that are within the medical
norms and established practices;
- 235 (ii) the health care provider discloses to the patient that the health care provider is recommending an
alternative health care service that deviates from medical norms and established practices;
- 237 (iii) the health care provider discusses the rationale for deviating from medical norms and established
practices with the patient;
- 239 (iv) the health care provider discloses any potential risks associated with deviation from medical norms
and established practices; and
- 240 (v) the patient signs and acknowledges a notice of deviation; and

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(g) before providing an alternative health care service, the health care provider discloses to the patient that the patient may enter into an agreement describing what would constitute the health care provider's negligence related to deviation.

243 (6) As used in this section, "notice of deviation" means a written notice provided by a health care
244 provider to a patient that:

245 (a) is specific to the patient;

246 (b) indicates that the health care provider is deviating from medical norms or established practices in
247 the health care provider's recommendation for the patient's treatment;

248 (c) describes how the alternative health care service deviates from medical norms or established
249 practices;

250 (d) describes the potential risks and benefits associated with the alternative health care service;

252 (e) describes the health care provider's reasonably justified rationale regarding the reason for the
251 deviation; and

254 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to receive the
253 alternative health care service which is outside medical norms and established practices.

257 (7)

(a) As used in this Subsection (7):

258 (i) "Diagnostic assessment" means the same as that term is defined in Section 53E-4-307.

260 (ii) "Dyslexia" means the same as that term is defined in Section 53E-4-307.

261 (iii) "Dyslexia assessment" means a diagnostic assessment or psychoeducational evaluation for the
262 identification or diagnosis of dyslexia.

263 (iv) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

265 (v) "Qualified mental health therapist" means a mental health therapist who by education, training,
264 and experience is qualified to administer a dyslexia assessment.

268 (b) Notwithstanding any other provision of this title it is not unlawful conduct or unprofessional
267 conduct for a qualified mental health therapist to administer a dyslexia assessment.

124 Section 2. Section 58-60-102 is amended to read:

125 **58-60-102. Definitions.**

As used in this chapter, unless a different meaning is established by definition under a
126 specific section or part:

128 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

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- 129 (2) "Client" or "patient" means an individual who consults or is examined or interviewed by an
individual licensed under this chapter who is acting in the individual's professional capacity.
- 132 (3) "Clinical supervision" means work experience conducted under the supervision of a clinical
supervisor, including the practice of mental health therapy, direct client care, direct clinical
supervision, direct observation, and other duties and activities completed in the course of the day-to-
day job functions and work of:
- 136 (a) a certified social worker;
- 137 (b) an associate marriage and family therapist;
- 138 (c) an associate clinical mental health counselor; or
- 139 (d) an associate master addiction counselor, wherein the supervisor is available for consultation with
the supervisee by personal face-to-face contact, or direct voice contact by telephone, radio, or other
means within a reasonable time consistent with the acts and practices in which the supervisee is
engaged.
- 143 (4) "Clinical supervisor" means an individual who oversees and mentors one or more mental health
therapists licensed under this chapter, and who:
- 145 (a)
- 146 (i) is licensed, in good standing, as a mental health therapist;
- (ii) is approved or certified in good standing as a supervisor by a national professional organization
for social work, mental health counseling, addiction counseling, marriage and family therapy,
psychology, medicine, or nursing, or other organization as approved by the division;
- 150 (iii)
- (A) has completed eight or more hours of supervision instruction that meets minimum standards
established by the division in rule; or
- 152 (B) has completed a graduate course on clinical supervision from an accredited program;
- 154 (iv) completes continuing education in clinical supervision, as established by the division in rule; and
- 156 (v) provides supervision to no more than the number of individuals to whom the supervisor can
reasonably provide clinical supervision by performing the duties and responsibilities of a supervisor,
including:
- 159 (A) being available to the supervisee for consultation by personal face-to-face contact, or by direct
voice contact by telephone, video conference, or other means within a reasonable time frame;
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- (B) providing instruction, direction, oversight, observation, evaluation, and feedback, to enable the supervisee to acquire the knowledge, skills, techniques, and abilities necessary to engage in the practice of behavioral health care ethically, safely, and competently; and
- 166 (C) maintaining routine personal contact with the supervisee; and
- 167 (b)
- (i) is qualified and acting as a valid supervisor, in accordance with applicable law and division rules, as of April 30, 2024; and
- 169 (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.
- 170 (5) "Confidential communication" means information obtained by an individual licensed under this chapter, including information obtained by the individual's examination of the client or patient, which is:
- 173 (a)
- (i) transmitted between the client or patient and an individual licensed under this chapter in the course of that relationship; or
- 175 (ii) transmitted among the client or patient, an individual licensed under this chapter, and individuals who are participating in the diagnosis or treatment under the direction of an individual licensed under this chapter, including members of the client's or patient's family; and
- 179 (b) made in confidence, for the diagnosis or treatment of the client or patient by the individual licensed under this chapter, and by a means not intended to be disclosed to third persons other than those individuals:
- 182 (i) present to further the interest of the client or patient in the consultation, examination, or interview;
- 184 (ii) reasonably necessary for the transmission of the communications; or
- 185 (iii) participating in the diagnosis and treatment of the client or patient under the direction of the mental health therapist.
- 187 (6) "Designated examiner" means the same as that term is defined in Section 26B-5-301.
- 188 (7)
- (a) "Direct client care" means the practice of mental health therapy performed as an applicant for licensure.
- 190 (b) "Direct client care" includes:
- 191 (i) the practice of mental health therapy;
- 192 (ii) the utilization of patient-reported progress and outcomes to inform care; and

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- 193 (iii) direct observation.
194 (8)
(a) "Direct clinical supervision" means an applicant for licensure and the applicant's direct clinical supervisor meeting in real time and in accordance with the applicant for licensure's supervision contract as defined by division rule.
197 (b) "Direct clinical supervision" includes group supervision.
198 (9) "Direct clinical supervisor" means the clinical supervisor who has signed the supervision contract with the applicant for licensure.
200 (10) "Direct observation" means observation of an applicant for licensure's live or recorded direct client care:
202 (a)
(i) by the applicant for licensure's clinical supervisor; or
203 (ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct clinical supervisor approves; and
205 (b) after which the applicant for licensure and the observer under Subsection (10)(a) meet, in-person or electronically, to discuss the direct client care for the purpose of developing the applicant for licensure's clinical knowledge and skill.
208 (11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.
209 (12) "Group supervision" means an applicant for licensure meeting with the applicant's direct clinical supervisor and at least one of the direct clinical supervisor's other supervised applicants for licensure:
212 (a) while the clinical supervisor and the applicants:
213 (i) can see and openly communicate with each other; and
214 (ii) are present in the same room or via electronic video; and
215 (b) for the purpose of developing the applicants' clinical knowledge and skill.
216 (13) "Hypnosis" means, when referring to individuals exempted from licensure under this chapter, a process by which an individual induces or assists another individual into a hypnotic state without the use of drugs or other substances and for the purpose of increasing motivation or to assist the individual to alter lifestyles or habits.
220 (14) "Individual" means a natural person.
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(15) "Mental health therapist" means an individual who is practicing within the scope of practice defined in the individual's respective licensing act and is licensed under this title as:

- 224 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;
- 226 (b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;
- 228 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;
- 230 (d) a psychologist qualified to engage in the practice of mental health therapy;
- 231 (e) a certified psychology resident qualifying to engage in the practice of mental health therapy;
- 233 (f) a physician assistant specializing in mental health care under Section 58-70a-501.1;
- 234 (g) a clinical social worker;
- 235 (h) a certified social worker;
- 236 (i) a marriage and family therapist;
- 237 (j) an associate marriage and family therapist;
- 238 (k) a clinical mental health counselor;
- 239 (l) an associate clinical mental health counselor;
- 240 (m) a master addiction counselor; or
- 241 (n) an associate master addiction counselor.

242 (16) "Mental illness" means a mental [~~or emotional condition~~] disorder defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection (15).

245 (17) "Practice of mental health therapy" means treatment or prevention of another individual's mental illness or emotional disorder, whether in person or remotely, including:

- 248 (a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection (15);
- 251 (b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (15);
- 253 (c) conveying an opinion as to the validity of an individual's established diagnosis;
- 254 (d) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and
- 256 (e) engaging in the conduct of professional intervention, including:
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(i) psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (15); and

(ii) modes of treatment designed to treat interpersonal dysfunction; and

(f) holding oneself out as providing, or has having the skills, experience, or training to competently provide, any of the services described in Subsections (17)(a) through (e).

(18) "Remotely" means communicating via [~~Internet~~] internet, telephone, or other electronic means that facilitate real-time audio or visual interaction between individuals when they are not physically present in the same room at the same time.

(19) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

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

Section 3. Section 58-61-102 is amended to read:

58-61-102. Definitions.

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

(1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

(2) "Client" or "patient" means an individual who consults or is examined or interviewed by a psychologist acting in his professional capacity.

(3) "Confidential communication" means information, including information obtained by the psychologist's examination of the client or patient, which is:

(a)

(i) transmitted between the client or patient and a psychologist in the course of that relationship; or

(ii) transmitted among the client or patient, the psychologist, and individuals who are participating in the diagnosis or treatment under the direction of the psychologist, including members of the client's or patient's family; and

(b) made in confidence, for the diagnosis or treatment of the client or patient by the psychologist, and by a means not intended to be disclosed to third persons other than those individuals:

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

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

(iii) participating in the diagnosis and treatment of the client or patient under the direction of the psychologist.

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- (4) "Hypnosis" means, regarding individuals exempted from licensure under this chapter, a process by which one individual induces or assists another individual into a hypnotic state without the use of drugs or other substances and for the purpose of increasing motivation or to assist the individual to alter lifestyles or habits.
- 294 (5) "Individual" means a natural person.
- 295 (6) "Mental health therapist" means an individual licensed under this title as a:
- 296 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;
- 298 (b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;
- 300 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;
- 302 (d) psychologist qualified to engage in the practice of mental health therapy;
- 303 (e) a certified psychology resident qualifying to engage in the practice of mental health therapy;
- 305 (f) clinical social worker;
- 306 (g) certified social worker;
- 307 (h) marriage and family therapist;
- 308 (i) an associate marriage and family therapist;
- 309 (j) a clinical mental health counselor; or
- 310 (k) an associate clinical mental health counselor.
- 311 (7) "Mental illness" means a mental [~~or emotional condition~~] disorder defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection (6).
- 314 (8) "Practice of mental health therapy" means the treatment or prevention of mental illness, whether in person or remotely, including:
- 316 (a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder;
- 318 (b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (6);
- 320 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and
- 322 (d) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (6).

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- 325 (9)
- 326 (a) "Practice of psychology" includes:
- (i) the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior by the application of generally recognized professional psychological principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the symptoms of any of these, or maladaptive behavior;
- 332 (ii) the observation, description, evaluation, interpretation, or modification of human behavior by the application of generally recognized professional principles, methods, or procedures requiring the education, training, and clinical experience of a psychologist, for the purpose of assessing, diagnosing, preventing, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health;
- 339 (iii) psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;
- 342 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis, and behavior analysis and therapy;
- 344 (v) diagnosis and treatment of mental and emotional disorders of disability, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, accident, injury, or disability; and
- 347 (vi) psychoeducational evaluation, therapy, remediation, and consultation.
- 348 (b) An individual practicing psychology may provide services to individuals, couples, families, groups of individuals, members of the public, and individuals or groups within organizations or institutions.
- 351 (10) "Remotely" means communicating via [~~Internet~~] internet, telephone, or other electronic means that facilitate real-time audio or visual interaction between individuals when they are not physically present in the same room at the same time.
- 354 (11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-61-501.
- 355 (12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-61-502, and may be further defined by division rule.

357 Section 4. **Effective date.**

Effective Date.

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This bill takes effect on May 6, 2026.

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