



SPENCER J. COX
Governor

DEIDRE M.
HENDERSON
Lieutenant Governor

State of Utah
Department of Commerce
Division of Occupational and Professional Licensing

MARGARET W. BUSSE
Executive Director

MARK B. STEINAGEL
Division Director

To: Health and Human Services Interim Committee

From: Division of Occupational and Professional Licensing (DOPL)
Utah Department of Commerce

Subject: Sunset Review Recommendations – Sunset Date July 1, 2022
Educational Qualifications for Licensure and Reporting
Sections of Code that Sunset: 58-60-405(3)

[S.B 68](#) passed during the 2020 General Legislative Session added Subsection 58-60-405(3) to the Mental Health Professional Practice Act to expand access to clinical mental health licensure.

Subsection (3)(a) adds a pathway to obtain licensure as an Associate Clinical Mental Health Counselor (ACMHC) for those who complete a doctoral or master’s degree from an educational program in rehabilitation counseling accredited by the Council for Accreditation of Counseling and Related Educational Programs, and have passed the National Counselor Examination (NCE) and the National Clinical Mental Health Counseling Examination (NCMHCE).

Subsection (3)(b) required DOPL to report to the Occupational and Professional Licensure Review Committee (OPLR) in the 2021 interim regarding: (1) the number of applicants applying for and approved for licensure under this new subsection; (2) changes to DOPL rules regarding these new licensure qualifications; and (3) DOPL’s recommendations for legislation or other action that it considered necessary to carry out the provisions of this subsection. *DOPL submitted this information to OPLR on August 26, 2021 -- see attached (“OPLR Report”).*

Is the statute necessary/should the statute be reauthorized?

Yes. Subsection 58-60-405(3) has provided a good alternative pathway for non-traditional applicants to become licensed. This pathway should be kept open to offer additional qualified applicants a way to satisfy this profession’s educational requirement.

Is the statute accomplishing its objective?

Yes. As described in DOPL’s attached OPLR Report, two applicants have successfully used this statute to obtain licensure as an Associate Clinical Mental Health Counselor. (Four applicants have applied under this subsection, but two did not pass the required exams.) DOPL expects additional successful applicants in the future.

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Are there ways to improve the statute?

Yes. DOPL's OPLR Report recommends amending Utah Code § 58-60-405(1)(d) to reduce the 4,000-hour postgraduate supervised training requirement to 3,000 hours, to align with the national average of supervised training for ACMHC's.

Upon information and belief, Senator Weiler and Representative Thurston may file a bill in the upcoming 2022 General Session that includes this recommended improvement.

Based on the foregoing, DOPL recommends the continuation of this alternative pathway to ACMHC licensure in 58-60-405(3), and reaffirms DOPL's recommendation in its OPLR Report that the 4,000-hour postgraduate supervised training requirement in Subsection 58-60-405(1)(d) be reduced to 3,000 hours. If Subsection 58-60-405(3) is kept as a separate subsection in the statute, DOPL recommends that it receive a new sunset date of July 1, 2032, ten years from the upcoming sunset date.

Contacts for questions:

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To: Occupational and Professional Licensure Review Committee

From: Division of Occupational and Professional Licensing

Date: August 26, 2021

Re: 2020 General Session, SB 68. Mental Health Counselor Licensing Amendments

S.B 68 Mental Health Counselor Licensing Amendments, passed during the 2020 General Legislative Session <https://le.utah.gov/~2020/bills/static/SB0068.html>. The Mental Health Professional Practice Act was amended to expand access to clinical mental health licensure. The provision created a pathway to obtain licensure as an Associate Clinical Mental Health Counselor (ACMHC) for those who completed masters or doctorate degrees in rehabilitation counseling and passed the required licensure exams, the National Counselor Examination (NCE) and the National Clinical Mental Health Counseling Examination (NCMHCE).

In accordance with Utah Code § 58-60-405(3)(b), during the 2021 interim, the Division shall report to the OPLR Committee the following:

1. The number of applicants who applied for licensure.

The Division had four applicants apply for ACMHC licensure post SB 68. Three of the applicants completed education from Utah State University. One applicant completed education at the University of Texas.

2. The number of applicants who were approved for licensure.

Two applicants from Utah State University met the qualifications for licensure and were approved. One applicant from Utah State University and one applicant from the University of Texas were denied licensure for failure to meet the exam requirements.

3. Any changes to the Division rule after May 12, 2020, regarding the qualifications for licensure.

The Clinical Mental Health Counselor Licensing Act Rule R156-60c was amended and became effective November 10, 2020, attached hereto as Exhibit A. The provisions amended and clarified the qualifications for licensure, established a post-degree licensure pathway and required the NCE in addition to the NCMHCE for all CMHC applicants.

4. Recommendations for legislation or other action that the division considers necessary to carry out the provisions of Utah Code § 58-60-405(3).

The Division recommends amending Utah Code § 58-60-405(1)(d) to align with the national average of supervised training for ACMHC's. Currently the Utah Code requires 4,000 hours of post graduate supervised training. The national average is approximately 3,000 hours.