



UTAH | COMMERCE

# CY 2023 LICENSURE REVIEW OF BEHAVIORAL HEALTH OCCUPATIONS

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## The Office of Professional Licensure Review

November 16, 2022

# OPLR STATUTORY OVERVIEW

- [Executive Order 2021-01](#) required each executive agency to review rules and regulations for occupational licensing to 1) identify rules and regulations that are no longer necessary, and 2) reduce barriers to working while still protecting the health, safety, and well-being of Utah residents
- [SB 16](#) (2022 general session) created the Office of Professional Licensure Review (OPLR) within the Department of Commerce to perform the following duties:

The office shall:

- (1) conduct a **sunrise review** of any applications to establish a new regulated occupation
  - (2) conduct a **review of each regulated occupation** at least once every 10 years
  - (3) review and respond to any **legislator inquiry** regarding a proposed or existing regulated occupation
  - (4) **report** to the Business and Labor Interim Committee annually
- [SB 16](#) (2022 general session) was enacted and became Utah Code [13-1b](#), which applies to any regulation of an occupation that is administered by a state executive branch agency ([13-1b-102](#))



# OPLR PROPOSES A COMPREHENSIVE REVIEW OF MENTAL AND BEHAVIORAL HEALTH LICENSES

## Department of Commerce

- Social Worker (9,200 active licensees)
- Clinical Mental Health Counselor (2,600)
- Psychologist (1,200)
- Marriage & Family Therapist (1,400)
- Therapeutic Recreation Specialist (700)
- Behavior Analyst (700)
- Substance Use Disorder Counselor (500)
- Vocational Rehabilitation Counselor (200)
- State Certified Music Therapist (70)

## Department of Health and Human Services

- Certified Case Manager (1,000)
- Certified Peer Support Specialist (100)
- Child/Family Peer Support Specialist/  
Family Resource Facilitator (25)
- Certified Crisis Worker (130)
- Behavioral Emergency Services Technician (0)
- Advanced Behavioral Emergency Services  
Technician (0)



# MENTAL HEALTH LICENSING REFORM CAN HAVE LARGE IMPACT FOR UTAHNS

- Utah has a severe **mental health crisis**
  - Suicide is the leading cause of death for Utah's youth aged 15-24 (American Foundation for Suicide Prevention)
  - Utah ranks 47<sup>th</sup> (51<sup>st</sup> is worst) in the U.S. for prevalence of mental illness in 2022 (Mental Health America)
- There is a **shortage of mental health professionals** in Utah
  - All 29 Utah counties are HRSA-designated shortage areas for mental health professionals (HRSA)
  - Per conversations with executive branch agencies and others, the shortage leaves positions unfilled leading to long wait times for mental health care
  - 25% of those with severe mental illness, and 50% of youth with depression are going untreated in Utah (Kaiser Family Foundation)
- Utah's mental health professionals **may be under-prepared** to prevent harm to consumers
  - DOPL sees a higher-than-average rate of substantiated complaints against mental health occupations relative to other occupations
- Mental health licensing **reform has broad support**
  - 50+ exploratory conversations with legislators, executive branch agencies, academics, researchers, advocates, and others indicates broad support for action on licensing reform to help address the shortage



# OPLR WILL CONDUCT THOROUGH REVIEWS

## Phase I: Background

## Phase II: Data gathering and analysis

## Phase III: Solution generation

## Phase IV: Review & submission

1. Basic info (internal)
  - Scope of practice
  - Requirements (time, education, experience)
  - Contingent regulation (e.g., exemptions)
  - Related occupations
  - # active licensees
2. Stakeholders
  - Interested legislators
  - Licensing agency & boards
  - Industry groups/assoc.
  - Employers
  - Higher ed/training orgs.
  - Expert researchers & academics
  - Major reports & key data sources
  - [Stakeholder survey]

1. **Harm:** Risk to public health, safety, and financial welfare
  - Understand mechanism of harm (via investigators, consumer groups)
  - # of complaints/investigations
  - QALY/DALYs/VSL methods; insurance/actuarial data
2. **Consumer:** Economic effects for the public (e.g., access, cost)
  - Total # licensees; # consumers affected
  - # of open positions for the occupation; shortage/waitlist for services
  - Growth in occupation: past, present, projected future
  - Compensation (wage increases, overtime, signing bonuses)
3. **Practitioner:** Economic effects for the practitioner/field (e.g., burden)
  - Cost/time required for training
  - Economic impact to organization/firm/employer
  - Impact on reimbursement (where applicable, e.g., CMS)
  - Changes in technology, best practice, market
4. **Benchmarks:** Other jurisdictions
  - State-level scope of practice, qualifications, time requirements
  - International examples (as applicable)
5. **Alternative oversight:** Other actors
  - Non-state oversight (e.g., accrediting bodies, local enforcement)
  - Market forces (e.g., online ratings, employer hiring policies)

1. Necessity of regulation
2. Regulating agency (expertise, capacity)
3. Regulatory option (e.g., private credentialing, registration vs licensing, micro-licenses)
4. Scope of practice changes
5. Licensing burden (e.g., education, exam, time req's)
6. Mobility/Foreign licenses
7. Effects of proposed regulatory changes
  - Harm prevention
  - Economic impacts
8. Cost to the state to regulate
9. Best practice examples from other jurisdictions
10. Board composition
11. [Stakeholder survey]

1. OPLR drafting and Office review process
2. Internal Commerce editorial board
3. Formal review and response by licensing agency/division/boards
4. Formal review/response by interested groups (e.g., industry associations)
5. Submit to Business and Labor Interim Committee
6. Publish on OPLR website





# THANK YOU!

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# DOPL License Subcategories

Social Worker	Licensed Clinical Social Worker
	Social Service Worker
	Certified Social Worker
	Certified Social Worker Intern
Clinical Mental Health Counselor	Clinical Mental Health Counselor
	Associate Clinical Mental Health Counselor
	Associate Clinical Mental Health Counselor Extern
	Volunteer Clinical Mental Health Counselor
Psychologist	Psychologist
	Certified Psychology Resident
	Behavior Analyst
	Assistant Behavior Analyst
	Behavior Specialist
Assistant Behavior Specialist	

Marriage and Family Therapist	Marriage & Family Therapist
	Associate Marriage & Family Therapist
	Associate MFT Extern
Substance Use Disorder Counselor	Licensed SUDC
	Licensed Advanced SUDC
	Certified Advanced SUDC
	Certified SUDC
	Certified SUDC Intern
Certified Advanced SUDC Intern	
Vocational Rehabilitation Counselor	Licensed Vocational Rehabilitation Counselor
Recreational Therapy	Therapeutic Recreation Specialist
	Therapeutic Recreation Technician
	Master Therapeutic Recreation Specialist
State Certified Music Therapist	State Certified Music Therapist

# MH/BH LICENSES NOT INCLUDED IN OPLR LIST FOR REVIEW

USBE	Student Health & Counseling Support
DPS	Peace officer certification: Special Function Officer (SFO), Basic Corrections Officer (BCO), Law Enforcement Officer (LEO)
DOPL	APRN-CRNA without PP
	APRN-CRNA Controlled Substance
	A.P.R.N. without P.P.
	Occupational Therapist
	Occupational Therapy Assistant
	Physician & Surgeon
	Restricted Associate Physician
	Osteopathic Physician & Surgeon
	Physician Assistant
	Naturopathic Physician
	Naturopath including Surgery & OB
	Genetic Counselors
<i>Please note, for all DOPL licenses under Title 58, there may be temporary, volunteer, extern, intern, and apprentice licenses.</i>	
DHHS (Center for Medical Cannabis)	Qualified Medical Provider
	Pharmacy Medical Provider





# PROPOSED DELIVERABLES

## Report Grouping and Timing

- Occupational grouping of reports
  - The CY 2023 review will be grouped by licensing agency and statute (e.g., 58-60)
  - Thus MFT, LCSW, CMHC, and SUDC licenses (and related sub-licenses) will be addressed in a single report
- Updates to the Legislature
  - OPLR will have updates available for interim committees throughout the summer of 2023
  - Final reports will be submitted as they are completed, prioritizing those most likely to require statutory changes

## Report Structure

- Background and Context
- Policy Landscape
  - Policy examples from other jurisdictions
  - Policy alternatives
- Analysis and Findings
  - Impact on Consumers
    - Risk of Harm
    - Availability of Services
    - Quality of Services
  - Impact on Practitioners
    - Entry into Occupation
    - Practice of Occupation
    - Portability of License
  - Impact on the State
    - Administration & Enforcement Costs, Expertise, & Resources
- Recommendations

