



UTAH | COMMERCE

# THE OFFICE OF PROFESSIONAL LICENSURE REVIEW

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LEGISLATIVE MANAGEMENT  
COMMITTEE  
DECEMBER 13, 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:
  - (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)
- Marriage & Family Therapist (1,400)
- Psychologist (1,200)
- Behavior Analyst (700)
- Therapeutic Recreation Specialist (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 (700)
- 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 Utahns 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



# PROPOSED DELIVERABLES

## Report Grouping and Timing

- Occupational grouping of reports
  - The CY 2023 review reports will be grouped by occupation and statute (e.g., 58-60) as appropriate
  - An additional ‘system-level’ report will look at the impact of licensure on the mental health system overall
- Updates to the Legislature
  - OPLR will have process and (in some cases) substantive updates available for interim committees throughout the summer of 2023
  - Reports will be submitted as they are completed, prioritizing those most likely to require statutory changes

## Report Structure (DRAFT)

1. Policy Landscape
2. Impact to Consumers
  - Risk of Harm
  - Access to Services
  - Quality of Services
3. Impact to Practitioners
  - Entry into Occupation
  - Practice of Occupation
  - Portability of License
4. Impact to Regulators
  - Resources Demands
5. Policy Landscape





# THANK YOU!

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