

BEHAVIORAL HEALTH LICENSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends behavioral health licensing provisions.

Highlighted Provisions:

This bill:

- ▶ requires the division to consider interstate portability and make recommendations regarding Utah's membership in any interstate licensing compacts;
- ▶ expands the types of licensees who may participate in the Utah Professionals Health Program;
- ▶ establishes that mental health disorders and substance use disorders qualify an individual licensee for the Utah Professionals Health Program's alternative path to public disciplinary action;
- ▶ creates the Behavioral Health Board, a multi-professional board to replace certain individual license boards;
- ▶ establishes who may supervise an applicant for licensure's supervised clinical hours;
- ▶ expands the number of applicants for licensure a supervising licensee may supervise;
- ▶ reduces the number of clinical hours an applicant for licensure must complete to obtain certain licensures;
- ▶ increases the number of supervised clinical hours an applicant for licensure must complete to obtain certain licensures;
- ▶ creates an alternative pathway to certain licensures through increased direct contact client hours and supervised clinical hours, in lieu of examination requirements;
- ▶ creates the licenses of master addiction counselor and associate master addiction counselor; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**36 **AMENDS:**

- 37 **58-1-106**, as last amended by Laws of Utah 2018, Chapter 318
- 38 **58-4a-102**, as last amended by Laws of Utah 2023, Chapter 328
- 39 **58-4a-103**, as enacted by Laws of Utah 2020, Chapter 107
- 40 **58-40-102**, as renumbered and amended by Laws of Utah 2012, Chapter 82
- 41 **58-60-102**, as last amended by Laws of Utah 2021, Chapter 313
- 42 **58-60-109**, as last amended by Laws of Utah 2020, Chapter 339
- 43 **58-60-202**, as last amended by Laws of Utah 2010, Chapters 78, 214
- 44 **58-60-205**, as last amended by Laws of Utah 2023, Chapters 283, 339
- 45 **58-60-207**, as last amended by Laws of Utah 2023, Chapter 339
- 46 **58-60-302**, as enacted by Laws of Utah 1994, Chapter 32
- 47 **58-60-305**, as last amended by Laws of Utah 2023, Chapter 339
- 48 **58-60-307**, as last amended by Laws of Utah 2019, Chapter 393
- 49 **58-60-402**, as last amended by Laws of Utah 2012, Chapter 179
- 50 **58-60-405**, as last amended by Laws of Utah 2023, Chapter 339
- 51 **58-60-407**, as last amended by Laws of Utah 2020, Chapter 339
- 52 **58-60-502**, as last amended by Laws of Utah 2019, Chapter 393
- 53 **58-60-504**, as last amended by Laws of Utah 2012, Chapter 179
- 54 **58-60-506**, as last amended by Laws of Utah 2020, Chapter 339
- 55 **58-61-102**, as last amended by Laws of Utah 2013, Chapters 16, 123
- 56 **58-61-304**, as last amended by Laws of Utah 2020, Chapter 339
- 57 **58-84-102**, as enacted by Laws of Utah 2014, Chapter 340
- 58 **58-84-201**, as last amended by Laws of Utah 2020, Chapter 339

59 **ENACTS:**

- 60 **58-60-102.5**, Utah Code Annotated 1953
- 61 **58-60-512**, Utah Code Annotated 1953

62 **REPEALS:**

- 63 **58-40-201**, as renumbered and amended by Laws of Utah 2012, Chapter 82

64 ~~58-60-203~~, as last amended by Laws of Utah 2010, Chapter 214
65 ~~58-60-303~~, as last amended by Laws of Utah 2000, Chapter 159
66 ~~58-60-403~~, as last amended by Laws of Utah 2012, Chapter 179
67 ~~58-60-503~~, as last amended by Laws of Utah 2012, Chapter 179
68 ~~58-61-201~~, as last amended by Laws of Utah 2015, Chapter 367
69 ~~58-78-201~~, as enacted by Laws of Utah 2009, Chapter 122

70

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

72 Section 1. Section ~~58-1-106~~ is amended to read:

73 ~~58-1-106. Division -- Duties, functions, and responsibilities.~~

74 (1) The duties, functions, and responsibilities of the division include the following:

75 (a) prescribing, adopting, and enforcing rules to administer this title;

76 (b) investigating the activities of any person whose occupation or profession is
77 regulated or governed by the laws and rules administered and enforced by the division;

78 (c) subpoenaing witnesses, taking evidence, and requiring by subpoena duces tecum
79 the production of any books, papers, documents, records, contracts, recordings, tapes,
80 correspondence, or information relevant to an investigation upon a finding of sufficient need by
81 the director or by the director's designee;

82 (d) taking administrative and judicial action against persons in violation of the laws
83 and rules administered and enforced by the division, including the issuance of cease and desist
84 orders;

85 (e) seeking injunctions and temporary restraining orders to restrain unauthorized
86 activity;

87 (f) complying with Title 52, Chapter 4, Open and Public Meetings Act;

88 (g) issuing, refusing to issue, revoking, suspending, renewing, refusing to renew, or
89 otherwise acting upon any license;

90 (h) preparing and submitting to the governor and the Legislature an annual report of the
91 division's operations, activities, and goals;

92 (i) preparing and submitting to the executive director a budget of the expenses for the
93 division;

(j) establishing the time and place for the administration of examinations; [~~and~~]

(k) preparing lists of licensees and making these lists available to the public at cost

upon request unless otherwise prohibited by state or federal law[~~;~~]; and

(l) considering interstate portability and the preservation of licensing pathways that are specific to Utah when making recommendations regarding membership in interstate licensing compacts.

(2) The division may not include home telephone numbers or home addresses of licensees on the lists prepared under Subsection (1)(k), except as otherwise provided by rules of the division made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) (a) The division may provide the home address or home telephone number of a licensee on a list prepared under Subsection (1) upon the request of an individual who provides proper identification and the reason for the request, in writing, to the division.

(b) A request under Subsection (3)(a) is limited to providing information on only one licensee per request.

(c) The division shall provide, by rule, what constitutes proper identification under Subsection (3)(a).

(4) (a) Notwithstanding any contrary provisions in Title 63G, Chapter 2, Government Records Access and Management Act, the division may share licensee information with:

(i) the division's contracted agents when sharing the information in compliance with state or federal law; and

(ii) a person who is evaluating the progress or monitoring the compliance of an individual who has been disciplined by the division under this title.

(b) The division may make rules to implement the provisions of this Subsection (4).

(5) All rules made by the division under this title shall be made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Section 2. Section **58-4a-102** is amended to read:

58-4a-102. Definitions.

As used in this chapter:

(1) "Diversion agreement" means a written agreement entered into by a licensee and the division that describes the requirements of the licensee's monitoring regimen and that was

entered into before May 12, 2020.

(2) "Licensee" means an individual licensed to practice under:

(a) Title 58, Chapter 5a, Podiatric Physician Licensing Act;

(b) Title 58, Chapter 17b, Pharmacy Practice Act;

(c) Title 58, Chapter 28, Veterinary Practice Act;

(d) Title 58, Chapter 31b, Nurse Practice Act;

(e) Title 58, Chapter 40, Recreational Therapy Practice Act;

(f) Title 58, Chapter 60, Mental Health Professional Practice Act;

(g) Title 58, Chapter 61, Psychologist Licensing Act;

~~[(e)]~~ (h) Title 58, Chapter 67, Utah Medical Practice Act;

~~[(f)]~~ (i) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

~~[(g)]~~ (j) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; ~~[or]~~

~~[(h)]~~ (k) Title 58, Chapter 70a, Utah Physician Assistant Act~~[-];~~

(l) Title 58, Chapter 78, Vocational Rehabilitation Counselors Licensing Act; or

(m) Title 58, Chapter 84, State Certification of Music Therapists Act.

(3) "Program" means the Utah Professionals Health Program.

(4) "Program contract" means a written agreement entered into by a licensee and the division that allows the licensee to participate in the program.

(5) "Substance use disorder" means the same as that term is defined in Section 26B-5-501.

Section 3. Section **58-4a-103** is amended to read:

58-4a-103. Program established.

(1) The division, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall establish the Utah Professionals Health Program to provide an alternative to public disciplinary action for licensees who have ~~[substance use]~~ behavioral health disorders, including mental health or substance use disorders.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules governing the criteria for:

(a) entry into and participation of licensees in the program;

(b) successful completion of the program;

(c) expulsion from the program; and

(d) disqualifying a licensee from participation in the program.

(3) The division shall promote the program by:

(a) engaging in wellness education and outreach to licensees, students, and the community in order to make them aware of the existence and purpose of the program;

(b) partnering with health care organizations, universities, trade associations, and other stakeholder groups to promote professional awareness and wellness; and

(c) providing guidance to employers, colleagues, and family members on initiating conversations with licensees about substance use.

Section 4. Section **58-40-102** is amended to read:

58-40-102. Definitions.

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

(1) "Approved" means approval by the division in collaboration with the board when used to refer to a licensing requirement.

(2) (a) "Assessment" means:

(i) a systematic collection of data to identify the strengths and limitations of a person's physical, cognitive, social, behavioral, emotional, spiritual, and leisure capabilities; and

(ii) interpreting and analyzing collected data to identify and determine a course of action for recreational therapy services for a patient.

(b) "Assessment" includes:

(i) a record review;

(ii) the implementation of standardized and non-standardized instruments, tests, and measurements; and

(iii) the skilled observation and interview of a person.

(3) "Board" means the [~~Board of Recreational Therapy~~] Behavioral Health Board created in [~~Section 58-40-201~~] Section 58-60-102.5.

(4) "Practice of recreational therapy" means to engage in the paid performance of providing recreational therapy services according to the therapeutic recreation process to a person with an emotional, social, intellectual, or physical pathology.

(5) "Recreational therapy" or "therapeutic recreation" means a person-centered process that uses recreation and psychoeducational activities as intervention tools to improve the physical, cognitive, social, behavioral, emotional, or spiritual well-being of a person with an

187 illness or a disability.

188 (6) (a) "Recreational therapy services" means using recreation and psychoeducational
189 activities as intervention tools to improve or maintain the physical, cognitive, social,
190 behavioral, emotional, or spiritual well-being of a person with an illness or a disability.

191 (b) "Recreational therapy services" include:

192 (i) assessing a person's need for recreational therapy treatment or intervention;

193 (ii) developing an individualized treatment or intervention plan that identifies goals,
194 objectives, and treatment strategies for a person;

195 (iii) implementing the individualized treatment or intervention plan;

196 (iv) documenting a person's response to the individualized treatment or intervention
197 plan, including documenting the overall outcome of the person's treatment;

198 (v) regularly evaluating a person's response to the individualized treatment or
199 intervention plan and modifying the plan when appropriate;

200 (vi) in collaboration with a person, the person's family, or other team members,
201 developing a discharge or transition plan for the person;

202 (vii) serving as a resource to help a person find recreation opportunities that will
203 promote the person's physical, cognitive, social, behavioral, emotional, or spiritual health and
204 well-being; and

205 (viii) organizing and managing recreational services according to a written plan of
206 operation as defined by rule of the division.

207 (7) "Treatment or intervention plan" means a written record containing the information
208 required by Section 58-40-602, which is composed for each patient by a person licensed under
209 this chapter as a master therapeutic recreation specialist or a therapeutic recreation specialist.

210 (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-40-501.

211 (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-40-502.

212 Section 5. Section **58-60-102** is amended to read:

213 **58-60-102. Definitions.**

214 [~~In addition to the definitions in Section 58-1-102, as~~] As used in this chapter:

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

216 (2) "Client" or "patient" means an individual who consults or is examined or
217 interviewed by an individual licensed under this chapter who is acting in the individual's

218 professional capacity.

219 ~~[(2)]~~ (3) "Confidential communication" means information obtained by an individual
220 licensed under this chapter, including information obtained by the individual's examination of
221 the client or patient, which is:

222 (a) (i) transmitted between the client or patient and an individual licensed under this
223 chapter in the course of that relationship; or

224 (ii) transmitted among the client or patient, an individual licensed under this chapter,
225 and individuals who are participating in the diagnosis or treatment under the direction of an
226 individual licensed under this chapter, including members of the client's or patient's family; and

227 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
228 individual licensed under this chapter, and by a means not intended to be disclosed to third
229 persons other than those individuals:

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

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

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

235 ~~[(3)]~~ (4) "Direct client care" means the practice of mental health therapy performed as
236 an applicant for licensure.

237 (5) (a) "Direct clinical supervision" means an applicant for licensure and the applicant's
238 supervisor meeting in real time and in accordance with the applicant for licensure's supervision
239 contract as defined by division rule.

240 (b) "Direct clinical supervision" includes group supervision.

241 (6) "Direct observation" means observation of an applicant for licensure's live or
242 recorded direct client care:

243 (a) (i) by the applicant for licensure's direct clinical supervisor; or

244 (ii) another mental health therapist supervisor that the applicant for licensure's direct
245 clinical supervisor approves; and

246 (b) after which the applicant for licensure and the observer under Subsection (6)(a)
247 meet to discuss the direct client care for the purpose of developing the applicant for licensure's
248 clinical knowledge and skill.

(7) "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.

~~(4)~~ (8) "Individual" means a natural person.

~~(5)~~ (9) "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:

(a) a physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;

(b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;

(c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;

(d) a psychologist qualified to engage in the practice of mental health therapy;

(e) a certified psychology resident qualifying to engage in the practice of mental health therapy;

(f) a physician assistant specializing in mental health care under Section 58-70a-501.1;

(g) a clinical social worker;

(h) a certified social worker;

(i) a marriage and family therapist;

(j) an associate marriage and family therapist;

(k) a clinical mental health counselor; ~~or~~

(l) an associate clinical mental health counselor~~[-]~~;

(m) a master addiction counselor; or

(n) an associate master addiction counselor.

~~(6)~~ (10) "Mental illness" means a mental or emotional condition defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection ~~(5)~~ (9).

~~(7)~~ (11) "Practice of mental health therapy" means treatment or prevention of mental illness, whether in person or remotely, including:

(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 ~~[(5)]~~ (9);

(b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (9);

(c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and

(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 ~~[(5)]~~ (9).

~~[(8)]~~ (12) "Remotely" means communicating via 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.

(13) "Group supervision" means an applicant for licensure meeting with the applicant's supervisor and at least one of the supervisor's other applicants for licensure:

(a) while the supervisor and the applicants:

(i) can see and openly communicate with each other; and

(ii) are present in the same room or via electronic video; and

(b) for the purpose of developing the applicants' clinical knowledge and skill.

~~[(9)]~~ (14) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

~~[(10)]~~ (15) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and may be further defined by division rule.

Section 6. Section **58-60-102.5** is enacted to read:

58-60-102.5. Behavioral Health Board -- Subcommittees.

(1) There is created the Behavioral Health Board consisting of:

(a) no less than four behavioral health care providers licensed in Utah to practice as a:

(i) clinical social worker;

(ii) marriage and family therapist;

(iii) clinical mental health counselor;

(iv) master addiction counselor; or

(v) psychologist under Chapter 61, Psychologist Licensing Act;

(b) no less than three other behavioral health care providers licensed in Utah to practice

as:

(i) a certified social worker;

(ii) a social service worker;

(iii) an associate marriage and family therapist;

(iv) an associate clinical mental health counselor;

(v) an associate master addiction counselor;

(vi) an advanced substance use disorder counselor;

(vii) a certified advanced substance use disorder counselor;

(viii) a substance use disorder counselor;

(ix) a certified substance use disorder counselor;

(x) a certified psychology resident;

(xi) a behavior analyst or specialist;

(xii) an assistant behavior analyst or specialist;

(xiii) a master therapeutic recreation specialist;

(xiv) a therapeutic recreation specialist;

(xv) a therapeutic recreation technician; or

(xvi) a certified music therapist;

(c) no less than four public members:

(i) who comprise no less than 1/3 of the total membership of the board;

(ii) who are not licensed to practice under:

(A) this chapter;

(B) Chapter 40, Recreational Therapy Practice Act,

(C) Chapter 61, Pyschologist Licensing Act; or

(D) Chapter 84, State Certification of Music Therapists Act; and

(iii) two of whom shall, at the time of appointment to the board, hold a leadership position with:

(A) a behavioral health consumer advocacy organization;

(B) a behavioral health employer;

(C) a behavioral health payor;

(D) an academic institution conducting research related to the behavioral health

licenses under Subsection (3)(b), including public health, epidemiology, economics, and the health care workforce;

(E) a training institution providing education credentials required for a license under Subsection (3)(b);

(F) a licensed health care facility as defined in Section 26B-2-201; or

(G) a licensed human services program as defined in Section 26B-2-101; and

(d) one of whom the executive director of the Department of Health and Human Services appoints.

(2) Board members shall be appointed, serve terms, and be compensated in accordance with Section 58-1-201.

(3) The board shall:

(a) operate in accordance with Sections 58-1-202 and 58-1-203;

(b) regulate licenses under:

(i) this chapter;

(ii) Chapter 40, Recreational Therapy Practices Act;

(iii) Chapter 61, Psychologist Licensing Act; and

(iv) Chapter 84, State Certification of Music Therapists Act;

(c) designate one or more of its members on a permanent or rotating basis to:

(i) assist the division in review of complaints concerning unlawful or unprofessional practice by a licensee in any profession regulated by the board; and

(ii) advise the division regarding the conduct of investigations of the complaints; and

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

(4) (a) The division may by rule establish one or more subcommittees to consider and advise the board regarding any aspect of licensing, including:

(i) client or patient access to qualified licensees;

(ii) education, examination, and supervision of applicants for licensure;

(iii) verification of applicant for licensure qualifications;

(iv) continuing education requirements;

(v) alternate pathways to licensure; and

(vi) probation and recovery assistance.

Section 7. Section **58-60-109** is amended to read:

58-60-109. Unlawful conduct.

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

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

- (a) mental health therapy;
- (b) clinical social work;
- (c) certified social work;
- (d) marriage and family therapy;
- (e) clinical mental health ~~[counselor]~~ counseling;
- (f) ~~[practice as a social service worker]~~ social service work;
- (g) master addiction counseling; or
- ~~[(g)]~~ (h) substance use disorder ~~[counselor]~~ counseling;

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

(3) representing oneself as, or using the title of, the following:

(a) unless currently licensed in a license classification under this title:

- (i) psychiatrist;
- (ii) psychologist;
- (iii) registered psychiatric mental health nurse specialist;
- (iv) mental health therapist;
- (v) clinical social worker;
- (vi) master addiction counselor;
- ~~[(vi)]~~ (vii) certified social worker;
- ~~[(vii)]~~ (viii) marriage and family therapist;
- ~~[(viii)]~~ (ix) clinical mental health counselor;
- ~~[(ix)]~~ (x) social service worker;
- (xi) associate master addiction counselor;
- ~~[(x)]~~ (xii) substance use disorder counselor;
- ~~[(xi)]~~ (xiii) associate clinical mental health counselor; or

404 ~~[(xii)]~~ (xiv) associate marriage and family therapist; or

405 (b) unless currently in possession of the credentials described in Subsection (4), social
406 worker.

407 (4) An individual may represent oneself as a, or use the title of, social worker if the
408 individual possesses certified transcripts from an accredited institution of higher education,
409 recognized by the division in collaboration with the ~~[Social Work Licensing Board]~~ board,
410 verifying satisfactory completion of an education and an earned degree as follows:

411 (a) a bachelor's or master's degree in a social work program accredited by the Council
412 on Social Work Education or by the Canadian Association of Schools of Social Work; or

413 (b) a doctoral degree that contains a clinical social work concentration and practicum
414 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
415 Administrative Rulemaking Act, that is consistent with Section 58-1-203.

416 Section 8. Section **58-60-202** is amended to read:

417 **58-60-202. Definitions.**

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

419 ~~[(1) "Board" means the Social Worker Licensing Board created in Section 58-60-203.]~~

420 ~~[(2)]~~ (1) (a) "Practice as a social service worker" means performance of general entry
421 level services under general supervision of a mental health therapist through the application of
422 social work theory, methods, and ethics in order to enhance the social or psychosocial
423 functioning of an individual, a couple, a family, a group, or a community, including:

424 (i) conducting:

425 (A) a non-clinical psychosocial assessment; or

426 (B) a home study;

427 (ii) collaborative planning and goal setting;

428 (iii) ongoing case management;

429 (iv) progress monitoring;

430 (v) supportive counseling;

431 (vi) information gathering;

432 (vii) making referrals; and

433 (viii) engaging in advocacy.

434 (b) "Practice as a social service worker" does not include:

(i) diagnosing or treating mental illness; or

(ii) providing psychotherapeutic services to an individual, couple, family, group, or community.

~~[(3)]~~ (2) "Practice of clinical social work" includes:

(a) the practice of mental health therapy by observation, description, evaluation, interpretation, intervention, and treatment to effect modification of behavior by the application of generally recognized professional social work 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;

(b) the application of generally recognized psychotherapeutic and social work principles and practices requiring the education, training, and clinical experience of a clinical social worker; and

(c) supervision of the practice of a certified social worker or social service worker as the supervision is required under this chapter and as further defined by division rule.

~~[(4)]~~ (3) "Practice of certified social work" includes:

(a) the supervised practice of mental health therapy by a clinical social worker by observation, description, evaluation, interpretation, intervention, and treatment to effect modification of behavior by the application of generally recognized professional social work principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive behavior;

(b) the supervised or independent and unsupervised application of generally recognized professional social work principles and practices requiring the education, training, and experience of a certified social worker; and

(c) supervision of the practice of a social service worker as the supervision is required under this chapter and as further defined by division rule.

~~[(5)]~~ (4) "Program accredited by the Council on Social Work Education" means a program that:

(a) was accredited by the Council on Social Work Education on the day on which the applicant for licensure satisfactorily completed the program; or

(b) was in candidacy for accreditation by the Council on Social Work Education on the

day on which the applicant for licensure satisfactorily completed the program.

~~[(6)]~~ (5) "Supervision of a social service worker" means supervision conducted by an individual licensed as a mental health therapist under this title in accordance with division rules made in collaboration with the board.

Section 9. Section **58-60-205** is amended to read:

58-60-205. Qualifications for licensure or certification as a clinical social worker, certified social worker, and social service worker.

(1) An applicant for licensure as a clinical social worker shall:

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

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

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

(i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or

(ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203;

(d) ~~[have completed a minimum of 3,000 hours of clinical social work training as defined by division rule under Section 58-1-203:]~~ document successful completion of not less than 1,200 direct client care hours:

(i) obtained after completion of the education requirements under Subsection (1)(c);

~~[(i)]~~ (ii) [under the supervision of a supervisor approved by the division in collaboration with the board who is a] not less than 100 of which are direct clinical supervision hours under the supervision of a:

(A) clinical mental health counselor;

(B) psychiatrist;

(C) psychologist;

(D) registered psychiatric mental health nurse practitioner;

(E) marriage and family therapist; ~~[or]~~

(F) clinical social worker; ~~[and]~~ or

- 497 (G) master addiction counselor;
498 (iii) not less than 25 of which are direct observation hours;
499 (iv) not more than 25 of which are group supervision hours concurrently with only one
500 other applicant for licensure; and
501 (v) not more than 25 of which are group supervision hours concurrently with more than
502 one other applicant for licensure;
503 ~~[(ii)]~~ (e) [including a minimum of] document successful completion of not less than
504 two hours of training in suicide prevention obtained after completion of the education
505 requirements under Subsection (1)(c) via a course that the division designates as approved;
506 ~~[(e) document successful completion of not less than 1,000 hours of supervised~~
507 ~~training in mental health therapy obtained after completion of the education requirement in~~
508 ~~Subsection (1)(c), which training may be included as part of the 3,000 hours of training in~~
509 ~~Subsection (1)(d), and of which documented evidence demonstrates not less than 75 of the~~
510 ~~hours were obtained under the direct supervision, as defined by rule, of a supervisor described~~
511 ~~in Subsection (1)(d)(i);]~~
512 (f) have completed a case work, group work, or family treatment course sequence with
513 a clinical practicum in content as defined by rule under Section 58-1-203;
514 (g) (i) pass the examination requirement established by rule under Section 58-1-203;
515 [and] or
516 (ii) satisfy the following requirements:
517 (A) document successful completion of not less than 500 additional direct client care
518 hours, at least 25 of which are direct clinical supervision hours, and at least five of which are
519 direct observation hours;
520 (B) submit to the division a recommendation letter from the applicant's direct clinical
521 supervisor;
522 (C) submit to the division a recommendation letter from another licensed supervisor
523 who has directly observed the applicant's direct client care hours and who is not the applicant's
524 direct clinical supervisor; and
525 (D) submit to the division a portfolio of work demonstrating clinical competence as
526 defined by rule; and
527 (h) if the applicant is applying to participate in the Counseling Compact under Chapter

60a, Counseling Compact, consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) An applicant for licensure as a certified social worker shall:

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

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

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

(i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or

(ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203.

(3) An applicant for licensure as a social service worker shall:

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

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

(c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:

(i) a bachelor's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work;

(ii) a master's degree in a field approved by the division in collaboration with the board;

(iii) a bachelor's degree in any field if the applicant:

(A) has completed at least three semester hours, or the equivalent, in each of the following areas:

(I) social welfare policy;

(II) human growth and development; and

(III) social work practice methods, as defined by rule; and

(B) provides documentation that the applicant has completed at least 2,000 hours of

qualifying experience under the supervision of a mental health therapist, which experience is approved by the division in collaboration with the board, and which is performed after completion of the requirements to obtain the bachelor's degree required under this Subsection (4); or

(iv) successful completion of the first academic year of a Council on Social Work Education approved master's of social work curriculum and practicum.

(4) The division shall ensure that the rules for an examination described under Subsection ~~[(1)(g)]~~ (1)(g)(i) allow additional time to complete the examination if requested by an applicant who is:

(a) a foreign born legal resident of the United States for whom English is a second language; or

(b) an enrolled member of a federally recognized Native American tribe.

Section 10. Section **58-60-207** is amended to read:

58-60-207. Scope of practice -- Limitations.

(1) (a) A clinical social worker may engage in all acts and practices defined as the practice of clinical social work without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(b) A clinical social worker may not supervise more than ~~[six]~~ 10 individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the division in collaboration with the board.

(2) To the extent an individual is professionally prepared by the education and training track completed while earning a master's or doctor of social work degree, a licensed certified social worker may engage in all acts and practices defined as the practice of certified social work consistent with the licensee's education, clinical training, experience, and competence:

(a) under supervision of an individual described in Subsection 58-60-205(1)(d)(i) and as an employee of another person when engaged in the practice of mental health therapy;

(b) without supervision and in private and independent practice or as an employee of another person, if not engaged in the practice of mental health therapy;

(c) including engaging in the private, independent, unsupervised practice of social work as a self-employed individual, in partnership with other mental health therapists, as a

professional corporation, or in any other capacity or business entity, so long as he does not practice unsupervised psychotherapy; and

(d) supervising social service workers as provided by division rule.

Section 11. Section **58-60-302** is amended to read:

58-60-302. Definitions.

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

(1) "Assess" means the use of diagnostic procedures, tests, and interview techniques generally accepted as standard in mental health therapy to diagnose any condition related to mental, emotional, behavioral, and social disorders or dysfunctions.

~~[(2) "Board" means the Marriage and Family Therapist Licensing Board created in Section 58-60-303.]~~

~~[(3)]~~ (2) "Practice of marriage and family therapy" includes:

(a) the process of providing professional mental health therapy including psychotherapy to individuals, couples, families, or groups;

(b) utilizing established principles that recognize the interrelated nature of individual problems and dysfunctions in family members to assess, diagnose, and treat mental, emotional, and behavioral disorders;

(c) individual, premarital, relationship, marital, divorce, and family therapy;

(d) specialized modes of treatment for the purpose of diagnosing and treating mental, emotional, and behavioral disorders, modifying interpersonal and intrapersonal dysfunction, and promoting mental health; and

(e) assessment utilized to develop, recommend, and implement appropriate plans of treatment, dispositions, and placement related to the functioning of the individual, couple, family, or group.

Section 12. Section **58-60-305** is amended to read:

58-60-305. Qualifications for licensure.

(1) All applicants for licensure as marriage and family therapists shall:

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

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

(c) produce certified transcripts evidencing completion of a masters or doctorate degree in marriage and family therapy from:

(i) a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education; or

(ii) an accredited institution meeting criteria for approval established by rule under Section 58-1-203;

~~[(d) have completed a minimum of 3,000 hours of marriage and family therapy training as defined by division rule under Section 58-1-203;]~~

~~[(ii) obtained after completion of the education requirement in Subsection (1)(c); and]~~

(d) document successful completion of not less than 1,200 direct client care hours:

(i) obtained after completion of the education requirements under Subsection (1)(c);

~~[(i)]~~ (ii) not less than 100 of which shall be direct clinical supervision hours under the supervision of a mental health therapist supervisor who meets the requirements of Section 58-60-307;

(iii) not less than 25 of which are direct observation hours;

(iv) not more than 25 of which are group supervision hours concurrently with only one other applicant for licensure; and

(v) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;

~~[(iii)]~~ (e) [including a minimum of] document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;

~~[(e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement described in Subsection (1)(c), which training may be included as part of the 3,000 hours of training described in Subsection (1)(d), and of which documented evidence demonstrates not less than 75 of the supervised hours were obtained during direct, personal supervision, as defined by rule, by a mental health therapist supervisor qualified under Section 58-60-307;]~~

(f) (i) pass the examination requirement established by division rule under Section 58-1-203; [and] or

(ii) satisfy the following requirements:

(A) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of

which are direct observation hours by a mental health therapist or supervisor who meets the requirements of Section 58-60-307;

(B) submit to the division a recommendation letter from the applicant's direct clinical supervisor;

(C) submit to the division a recommendation letter from another licensed supervisor who has directly observed the applicant's direct client care hours and is not the candidate's direct clinical supervisor; and

(D) submit to the division a portfolio of work demonstrating clinical competence as defined by rule; and

(g) if the applicant is applying to participate in the Counseling Compact under Chapter 60a, Counseling Compact, consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) (a) All applicants for licensure as an associate marriage and family therapist shall comply with the provisions of Subsections (1)(a) through (c).

(b) An individual's license as an associate marriage and family therapist is limited to the period of time necessary to complete clinical training as described in Subsections (1)(d) and (e) and extends not more than two years from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the appropriate board that the individual is making reasonable progress toward passing of the qualifying examination for that profession or is otherwise on a course reasonably expected to lead to licensure, but the period of time under this Subsection (2)(b) may not exceed four years past the date the minimum supervised clinical training requirement has been completed.

Section 13. Section **58-60-307** is amended to read:

58-60-307. Supervisors of marriage and family therapists -- Qualifications.

(1) Each person acting as a supervisor of a marriage and family therapist shall:

(a) have at least two years of clinical experience, since the date of first licensure, as a:

(i) clinical mental health counselor;

(ii) psychiatrist;

(iii) psychologist;

(iv) registered psychiatric mental health nurse practitioner;

(v) marriage and family therapist; [or]

(vi) clinical social worker; or

(vii) master addiction counselor;

(b) either:

(i) be approved as a supervisor by a national marriage and family therapist professional organization; or

(ii) meet the criteria established by rule; and

(c) provide supervision for no more than ~~[six]~~ 10 individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the division in collaboration with the board.

(2) Persons who act as a supervisor without meeting the requirements of this section are subject to discipline for unprofessional conduct.

Section 14. Section **58-60-402** is amended to read:

58-60-402. Definitions.

In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part[?],

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

~~[(2) "Practice"]~~ "practice of clinical mental health counseling" means 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 clinical mental health counseling principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, symptoms of any of these, or maladaptive behavior.

Section 15. Section **58-60-405** is amended to read:

58-60-405. Qualifications for licensure.

(1) An applicant for licensure as a clinical mental health counselor shall:

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

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

(c) produce certified transcripts evidencing completion of:

(i) a master's or doctorate degree conferred to the applicant in:

(A) clinical mental health counseling, clinical rehabilitation counseling, counselor

education and supervision from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs; or

(B) clinical mental health counseling or an equivalent field from a program affiliated with an institution that has accreditation that is recognized by the Council for Higher Education Accreditation; and

(ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to an educational program described in Subsection (1)(c)(i);

~~[(d) have completed a minimum of 3,000 hours of clinical mental health counselor training as defined by division rule under Section 58-1-203;]~~

~~[(ii) obtained after completion of the education requirement in Subsection (1)(c); and]~~

(d) document successful completion of not less than 1,200 direct client care hours:

(i) obtained after completion of the education requirements under Subsection (1)(c);

~~[(f)]~~ (ii) not less than 100 of which are direct clinical supervision hours under the supervision of a clinical mental health counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, ~~[or]~~ marriage and family therapist ~~[supervisor], or master addiction counselor~~ approved by the division in collaboration with the board;

(iii) not less than 25 of which are direct observation hours;

(iv) not more than 25 of which are group supervision hours concurrently with only one other applicant for licensure; and

(v) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;

~~[(iii)]~~ (e) [including a minimum of] document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;

~~[(e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection (1)(c), which training may be included as part of the 3,000 hours of training in Subsection (1)(d), and of which documented evidence demonstrates not less than 75 of the hours were obtained under the direct supervision of a mental health therapist, as defined by rule;]~~

(f) (i) pass the examination requirement established by division rule under Section 58-1-203; ~~[and]~~ or

(ii) satisfy the following requirements:

(A) document successful completion of not less than 500 additional direct client care hours, not less than 25 of are direct clinical supervision hours, and not less than five of which are direct observation hours by a mental health therapist supervisor who meets the requirements of Section 58-60-307;

(B) submit to the division a recommendation letter from the applicant's direct clinical supervisor;

(C) submit to the division a recommendation letter from another licensed supervisor who has directly observed the applicant's direct client care hours and is not the candidate's direct clinical supervisor; and

(D) submit to the division a portfolio of work demonstrating clinical competence as defined by rule; and

(g) if the applicant is applying to participate in the Counseling Compact under Chapter 60a, Counseling Compact, consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) (a) An applicant for licensure as an associate clinical mental health counselor shall comply with the provisions of Subsections (1)(a) through (c).

(b) Except as provided under Subsection (2)(c), an individual's licensure as an associate clinical mental health counselor is limited to the period of time necessary to complete clinical training as described in Subsections (1)(d) and (e) and extends not more than two year from the date the minimum requirement for training is completed.

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

(i) making reasonable progress toward passing of the qualifying examination for that profession; or

(ii) otherwise on a course reasonably expected to lead to licensure.

(3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement described in Subsection (1)(c) if the applicant submits documentation verifying:

(a) satisfactory completion of 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;

(b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours of coursework related to an educational program described in Subsection (1)(c)(i); and

(c) that the applicant received a passing score that is valid and in good standing on:

(i) the National Counselor Examination; and

(ii) the National Clinical Mental Health Counseling Examination.

Section 16. Section **58-60-407** is amended to read:

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

(1) (a) A licensed clinical mental health counselor may engage in all acts and practices defined as the practice of clinical mental health counseling without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(b) A licensed clinical mental health counselor may not supervise more than ~~[six]~~ 10 individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the division in collaboration with the board.

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

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

(ii) under supervision of a qualified licensed mental health therapist as defined in Section 58-60-102.

(b) A licensed associate clinical mental health counselor may not engage in the independent practice of clinical mental health counseling.

Section 17. Section **58-60-502** is amended to read:

58-60-502. Definitions.

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

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

~~[(2)]~~ (1) (a) "Counseling" means a collaborative process that facilitates the client's progress toward mutually determined treatment goals and objectives.

(b) "Counseling" includes:

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

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

~~[(3)]~~ (2) "Direct supervision" means:

(a) a minimum of one hour of supervision by a supervisor of the substance use disorder counselor for every 40 hours of client care provided by the substance use disorder counselor, which supervision may include group supervision;

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

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

~~[(4)]~~ (3) "General supervision" shall be defined by division rule.

~~[(5)]~~ (4) "Group supervision" means more than one counselor licensed under this part meets with the supervisor at the same time.

~~[(6)]~~ (5) "Individual supervision" means only one counselor licensed under this part meets with the supervisor at a given time.

~~[(7)]~~ (6) "Practice as a certified advanced substance use disorder counselor" and "practice as a certified advanced substance use disorder counselor intern" means providing services described in Subsection ~~[(9)]~~ (8) under the direct supervision of a mental health therapist or licensed advanced substance use disorder counselor.

~~[(8)]~~ (7) "Practice as a certified substance use disorder counselor" and "practice as a certified substance use disorder counselor intern" means providing the services described in Subsections ~~[(10)(a)]~~ (9)(a) and (b) under the direct supervision of a mental health therapist or licensed advanced substance use disorder counselor.

838 ~~[(9)]~~ (8) "Practice as a licensed advanced substance use disorder counselor" means:

839 (a) providing the services described in Subsections ~~[(10)(a)]~~ (9)(a) and (b);

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

842 (c) treatment planning for substance use disorders, including initial planning, ongoing
843 intervention, continuity of care, discharge planning, planning for relapse prevention, and long
844 term recovery support; and

845 (d) supervising a certified substance use disorder counselor, certified substance use
846 disorder counselor intern, certified advanced substance use disorder counselor, certified
847 advanced substance use disorder counselor intern, or licensed substance use disorder counselor
848 in accordance with Subsection 58-60-508(2).

849 ~~[(10)]~~ (9) (a) "Practice as a substance use disorder counselor" means providing services
850 as an employee of a substance use disorder agency under the general supervision of a licensed
851 mental health therapist to individuals or groups of persons, whether in person or remotely, for
852 conditions of substance use disorders consistent with the education and training of a substance
853 use disorder counselor required under this part, and the standards and ethics of the profession
854 as approved by the division in collaboration with the board.

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

856 (i) administering the screening process by which a client is determined to need
857 substance use disorder services, which may include screening, brief intervention, and treatment
858 referral;

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

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

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

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

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

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

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

867 (iv) conducting assessment procedures by which a substance use disorder counselor
868 gathers information related to an individual's strengths, weaknesses, needs, and substance use

869 disorder symptoms for the development of the treatment plan;

870 (v) participating in the process of treatment planning, including recommending specific

871 interventions to support existing treatment goals and objectives developed by the substance use

872 disorder counselor, the mental health therapist, and the client to:

873 (A) identify and rank problems needing resolution;

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

875 (C) decide on a treatment process and the resources to be utilized;

876 (vi) monitoring compliance with treatment plan progress;

877 (vii) providing substance use disorder counseling services to alcohol and drug use

878 disorder clients and significant people in the client's life as part of a comprehensive treatment

879 plan, including:

880 (A) leading specific task-oriented groups, didactic groups, and group discussions;

881 (B) cofacilitating group therapy with a licensed mental health therapist; and

882 (C) engaging in one-on-one interventions and interactions coordinated by a mental

883 health therapist;

884 (viii) performing case management activities that bring services, agencies, resources, or

885 people together within a planned framework of action toward the achievement of established

886 goals, including, when appropriate, liaison activities and collateral contacts;

887 (ix) providing substance use disorder crisis intervention services;

888 (x) providing client education to individuals and groups concerning alcohol and other

889 substance use disorders, including identification and description of available treatment services

890 and resources;

891 (xi) identifying the needs of the client that cannot be met by the substance use disorder

892 counselor or substance use disorder agency and referring the client to appropriate services and

893 community resources;

894 (xii) developing and providing effective reporting and recordkeeping procedures and

895 services, which include charting the results of the assessment and treatment plan, writing

896 reports, progress notes, discharge summaries, and other client-related data; and

897 (xiii) consulting with other professionals in regard to client treatment and services to

898 assure comprehensive quality care for the client.

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

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

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

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

~~[(11)]~~ (10) "Program" means a substance use disorder agency that provides substance use disorder services, including recovery support services.

~~[(12)]~~ (11) "Recovery support services" means services provided to an individual who is identified as having need of substance use disorder preventive or treatment services, either before, during, or after an episode of care that meets the level of care standards established by division rule.

~~[(13)]~~ (12) "Substance use disorder agency" means a public or private agency, health care facility, or health care practice that:

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

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

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

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

~~[(14)]~~ (13) "Substance use disorder education program" means a formal program of substance use disorder education offered by an accredited institution of higher education that meets standards established by division rule.

Section 18. Section **58-60-504** is amended to read:

58-60-504. License classification.

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

(1) master addiction counselor;

(2) associate master addiction counselor;

~~[(1)]~~ (3) licensed advanced substance use disorder counselor;

~~[(2)]~~ (4) certified advanced substance use disorder counselor;

931 ~~[(3)]~~ (5) certified advanced substance use disorder counselor intern;
932 ~~[(4)]~~ (6) licensed substance use disorder counselor;
933 ~~[(5)]~~ (7) certified substance use disorder counselor; and
934 ~~[(6)]~~ (8) certified substance use disorder counselor intern.

935 Section 19. Section **58-60-506** is amended to read:

936 **58-60-506. Qualifications for licensure.**

937 (1) An applicant for licensure under this part on and after July 1, 2012, must meet the
938 following qualifications:

939 (a) submit an application in a form prescribed by the division;
940 (b) pay a fee determined by the department under Section 63J-1-504;
941 (c) satisfy the requirements of Subsection (2), (3), (4), (5), (6), ~~[(or)]~~ (7), (8), or (9),
942 respectively; and
943 (d) except for licensure as a certified substance use disorder counselor intern and a
944 certified advanced substance use disorder counselor intern, satisfy the examination requirement
945 established by division rule under Section 58-1-203.

946 (2) An applicant for licensure as a master addiction counselor shall produce:

947 (a) a certified transcript from an accredited institution of higher education that meets
948 standards established by division rule under Section 58-1-203, verifying the satisfactory
949 completion of a doctoral or master's degree in:

950 (i) substance use disorders or addiction counseling and treatment; or
951 (ii) a counseling subject approved by the division in collaboration with the board,
952 which may include social work, mental health counseling, marriage and family therapy,
953 psychology, or medicine;

954 (b) documentation of successful completion of at least 1,200 hours of supervised
955 experience in substance use disorder and addiction treatment obtained after completion of the
956 education requirement described in Subsection (2)(a) demonstrating at least 75 of the
957 supervised hours were obtained:

958 (i) during direct, personal supervision, as defined by division rule;
959 (ii) under the supervision of a clinical mental health counselor, psychiatrist,
960 psychologist, registered psychiatric mental health nurse practitioner, marriage and family
961 therapist, clinical social worker, or master addiction counselor approved by the division in

962 collaboration with the board; and

963 (iii) at least 25 of the direct clinical supervision hours shall be obtained through direct
964 observation by either the direct clinical supervisor or by another fully licensed clinician who is
965 authorized to practice mental health therapy and who is approved by the applicant for
966 licensure's direct clinical supervisor; and

967 (c) if the applicant for licensure produces a transcript described in Subsection (2)(a)(ii),
968 evidence of completion of an additional 200 hours of supervised experience in substance use
969 disorder and addiction treatment.

970 (3) (a) An applicant for licensure as an associate master addiction counselor shall
971 comply with the provisions of Subsections (2)(a).

972 (b) An individual's licensure as an associate master addiction counselor:

973 (i) is limited to the period of time necessary to complete the hours described in
974 Subsections (2)(a)(ii) and (iii); and

975 (ii) except as provided in Subsection (3)(c), expires no more than two years after the
976 day on which the minimum time for training passes.

977 (c) The division may extend the time period under Subsection (3)(b) up to four years
978 past the day on which the minimum time for training passes if the applicant presents
979 satisfactory evidence to the division that the applicant is:

980 (i) making reasonable progress toward the relevant examination; or

981 (ii) otherwise on a course reasonably expected to lead to licensure.

982 ~~[(2)]~~ (4) In accordance with division rules, an applicant for licensure as an advanced
983 substance use disorder counselor shall produce:

984 (a) certified transcripts from an accredited institution of higher education that:

985 (i) meet division standards;

986 (ii) verify the satisfactory completion of a baccalaureate or graduate degree; and

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

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

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

992 (ii) a supervised practicum of at least 350 hours, of which 200 hours may have been

obtained while qualifying for a substance use disorder counselor license; and

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

(i) meets division standards; and

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

~~[(3)]~~ (5) An applicant for licensure as a certified advanced substance use disorder counselor shall meet the requirements in Subsections ~~[(2)(a)]~~ (4)(a) and (b).

~~[(4)]~~ (6) (a) An applicant for licensure as a certified advanced substance use disorder counselor intern shall meet the requirements in Subsections ~~[(2)(a)]~~ (4)(a) and (b).

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

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

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

~~[(5)]~~ (7) In accordance with division rules, an applicant for licensure as a substance use disorder counselor shall produce:

(a) certified transcripts from an accredited institution that:

(i) meet division standards;

(ii) verify satisfactory completion of an associate's degree or equivalent as defined by the division in rule; and

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

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

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

(ii) included in the 200 hours described in Subsection ~~[(5)(b)(i)]~~ (7)(b)(i), a minimum of two hours of training in suicide prevention via a course that the division designates as

1024 approved; and

1025 (iii) completion of a supervised practicum of at least 200 hours; and

1026 (c) documentation of the applicant's completion of at least 2,000 hours of supervised
1027 experience in substance use disorder treatment that:

1028 (i) meets division standards; and

1029 (ii) is performed within a two-year period after the applicant's completion of the
1030 substance use disorder education program described in Subsection ~~[(5)(b)]~~ (7)(b), unless, as
1031 determined by the division after consultation with the board, the time for performance is
1032 extended due to an extenuating circumstance.

1033 ~~[(6)]~~ (8) An applicant for licensure as a certified substance use disorder counselor shall
1034 meet the requirements of Subsections ~~[(5)(a)]~~ (7)(a) and (b).

1035 ~~[(7)]~~ (9) (a) An applicant for licensure as a certified substance use disorder counselor
1036 intern shall meet the requirements of Subsections ~~[(5)(a)]~~ (7)(a) and (b).

1037 (b) A certified substance use disorder counselor intern license expires at the earlier of:

1038 (i) the licensee passing the examination required for licensure as a certified substance
1039 use disorder counselor; or

1040 (ii) six months after the certified substance use disorder counselor intern license is
1041 issued.

1042 Section 20. Section **58-60-512** is enacted to read:

1043 **58-60-512. Scope of practice -- Limitations.**

1044 (1) An individual who is licensed as a master addiction counselor:

1045 (a) may engage in practice as a licensed master addiction counselor without
1046 supervision, in private and independent practice or as an employee of another person, limited
1047 only by the licensee's education, training, and competence; and

1048 (b) may engage in the practice of mental health therapy.

1049 (2) To the extent an individual is professionally prepared by the education and training
1050 track completed while earning a degree according to Subsection 58-60-506(2)(a), a licensed
1051 associate master addiction counselor may engage in practice as a licensed advanced substance
1052 use disorder counselor consistent with the licensee's education, clinical training, experience,
1053 and competence:

1054 (a) under supervision of an individual described in Subsection 58-60-506(2)(b) and as

an employee of another person when engaged in practice as a licensed advanced substance use disorder counselor;

(b) without supervision and in private practice or as an employee of another person, if not engaged in practice as a licensed advanced substance use disorder counselor or in the practice of mental health therapy;

(c) including engaging in private, independent, unsupervised practice as a licensed advanced substance use disorder counselor or practice of mental health therapy as a self-employed individual, in partnership with other mental health therapists, as a professional corporation, or in any other capacity or business entity, so long as the individual does not practice unsupervised psychotherapy; and

(d) supervising substance use disorder counselors as provided by division rule.

Section 21. 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 [~~Psychologist Licensing Board created in Section 58-61-201~~]
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.

(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.

(5) "Individual" means a natural person.

(6) "Mental health therapist" means an individual licensed under this title as a:

(a) physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;

(b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;

(c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;

(d) psychologist qualified to engage in the practice of mental health therapy;

(e) a certified psychology resident qualifying to engage in the practice of mental health therapy;

(f) clinical social worker;

(g) certified social worker;

(h) marriage and family therapist;

(i) an associate marriage and family therapist;

(j) a clinical mental health counselor; or

(k) an associate clinical mental health counselor.

(7) "Mental illness" means a mental or emotional condition defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection ~~[(6)]~~ (5).

(8) "Practice of mental health therapy" means the treatment or prevention of mental illness, whether in person or remotely, including:

(a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder;

(b) establishing a diagnosis in accordance with established written standards generally

1117 recognized in the professions of mental health therapy listed under Subsection [(6)] (5);

1118 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
1119 emotional disorder; and

1120 (d) engaging in the conduct of professional intervention, including psychotherapy by
1121 the application of established methods and procedures generally recognized in the professions
1122 of mental health therapy listed under Subsection [(6)] (5).

1123 (9) (a) "Practice of psychology" includes:

1124 (i) the practice of mental health therapy by means of observation, description,
1125 evaluation, interpretation, intervention, and treatment to effect modification of human behavior
1126 by the application of generally recognized professional psychological principles, methods, and
1127 procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or
1128 dysfunction, the symptoms of any of these, or maladaptive behavior;

1129 (ii) the observation, description, evaluation, interpretation, or modification of human
1130 behavior by the application of generally recognized professional principles, methods, or
1131 procedures requiring the education, training, and clinical experience of a psychologist, for the
1132 purpose of assessing, diagnosing, preventing, or eliminating symptomatic, maladaptive, or
1133 undesired behavior and of enhancing interpersonal relationships, work and life adjustment,
1134 personal effectiveness, behavioral health, and mental health;

1135 (iii) psychological testing and the evaluation or assessment of personal characteristics
1136 such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological
1137 functioning;

1138 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis,
1139 and behavior analysis and therapy;

1140 (v) diagnosis and treatment of mental and emotional disorders of disability, alcoholism
1141 and substance abuse, disorders of habit or conduct, and the psychological aspects of physical
1142 illness, accident, injury, or disability; and

1143 (vi) psychoeducational evaluation, therapy, remediation, and consultation.

1144 (b) An individual practicing psychology may provide services to individuals, couples,
1145 families, groups of individuals, members of the public, and individuals or groups within
1146 organizations or institutions.

1147 (10) "Remotely" means communicating via Internet, telephone, or other electronic

1148 means that facilitate real-time audio or visual interaction between individuals when they are not
1149 physically present in the same room at the same time.

1150 (11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-61-501.

1151 (12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-61-502, and
1152 may be further defined by division rule.

1153 Section 22. Section **58-61-304** is amended to read:

1154 **58-61-304. Qualifications for licensure by examination or endorsement.**

1155 (1) An applicant for licensure as a psychologist based upon education, clinical training,
1156 and examination shall:

1157 (a) submit an application on a form provided by the division;

1158 (b) pay a fee determined by the department under Section 63J-1-504;

1159 (c) produce certified transcripts of credit verifying satisfactory completion of a doctoral
1160 degree in psychology that includes specific core course work established by division rule under
1161 Section 58-1-203, from an institution of higher education whose doctoral program, at the time
1162 the applicant received the doctoral degree, met approval criteria established by division rule
1163 made in consultation with the board;

1164 (d) have completed a minimum of 4,000 hours of psychology training as defined by
1165 division rule under Section 58-1-203 in not less than two years and under the supervision of a
1166 psychologist supervisor approved by the division in collaboration with the board;

1167 (e) to be qualified to engage in mental health therapy, document successful completion
1168 of not less than 1,000 hours of supervised training in mental health therapy obtained after
1169 completion of a master's level of education in psychology, which training may be included as
1170 part of the 4,000 hours of training required in Subsection (1)(d), and for which documented
1171 evidence demonstrates not less than one hour of supervision for each 40 hours of supervised
1172 training was obtained under the direct supervision of a psychologist, as defined by rule;

1173 (f) pass the examination requirement established by division rule under Section
1174 58-1-203;

1175 (g) consent to a criminal background check in accordance with Section 58-61-304.1
1176 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
1177 Administrative Rulemaking Act; and

1178 (h) meet with the board, upon request for good cause, for the purpose of evaluating the

1179 applicant's qualifications for licensure.

1180 (2) An applicant for licensure as a psychologist by endorsement based upon licensure
1181 in another jurisdiction shall:

1182 (a) submit an application on a form provided by the division;

1183 (b) pay a fee determined by the department under Section 63J-1-504;

1184 (c) not have any disciplinary action pending or in effect against the applicant's
1185 psychologist license in any jurisdiction;

1186 (d) have passed the Utah Psychologist Law and Ethics Examination established by
1187 division rule;

1188 (e) provide satisfactory evidence the applicant is currently licensed in another state,
1189 district, or territory of the United States, or in any other jurisdiction approved by the division in
1190 collaboration with the board;

1191 (f) provide satisfactory evidence the applicant has actively practiced psychology in that
1192 jurisdiction for not less than 2,000 hours or one year, whichever is greater;

1193 (g) provide satisfactory evidence that:

1194 (i) the education, supervised experience, examination, and all other requirements for
1195 licensure in that jurisdiction at the time the applicant obtained licensure were substantially
1196 equivalent to the licensure requirements for a psychologist in Utah at the time the applicant
1197 obtained licensure in the other jurisdiction; or

1198 (ii) the applicant is:

1199 (A) a current holder of Board Certified Specialist status in good standing from the
1200 American Board of Professional Psychology;

1201 (B) currently credentialed as a health service provider in psychology by the National
1202 Register of Health Service Providers in Psychology; or

1203 (C) currently holds a Certificate of Professional Qualification (CPQ) granted by the
1204 Association of State and Provincial Psychology Boards;

1205 (h) consent to a criminal background check in accordance with Section 58-61-304.1
1206 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
1207 Administrative Rulemaking Act; and

1208 (i) meet with the board, upon request for good cause, for the purpose of evaluating the
1209 applicant's qualifications for licensure.

(3) (a) An applicant for certification as a psychology resident shall comply with the provisions of Subsections (1)(a), (b), (c), (g), and (h).

(b) (i) An individual's certification as a psychology resident is limited to the period of time necessary to complete clinical training as described in Subsections (1)(d) and (e) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the ~~[Psychologist Licensing Board]~~ board that the individual is making reasonable progress toward passing the qualifying examination or is otherwise on a course reasonably expected to lead to licensure as a psychologist.

(ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the date the minimum supervised clinical training requirement has been completed.

Section 23. Section **58-84-102** is amended to read:

58-84-102. 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

~~[(1)]~~ (2) "Practice of music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship.

~~[(2)]~~ (3) "State certification" means a designation granted by the division in collaboration with the board on behalf of the state to an individual who has met the requirements for state certification related to an occupation or profession described in this chapter.

~~[(3)]~~ (4) "State certified" means, when used in conjunction with an occupation or profession described in this chapter, a title that:

(a) may be used by a person who has met the state certification requirements related to that occupation or profession described in this chapter; and

(b) may not be used by a person who has not met the state certification requirements related to that occupation or profession described in this chapter.

Section 24. Section **58-84-201** is amended to read:

58-84-201. Qualifications for state certification.

(1) The division shall grant state certification to a person who qualifies under this chapter to engage in the practice of music therapy as a state certified music therapist.

1241 (2) Each applicant for state certification as a state certified music therapist shall:
1242 (a) submit an application in a form prescribed by the division;
1243 (b) pay a fee determined by the department under Section 63J-1-504; and
1244 (c) provide satisfactory documentation that the applicant is board certified by, and in
1245 good standing with, the Certification Board for Music Therapists, or an equivalent board as
1246 determined by division rule in collaboration with the board.

1247 Section 25. **Repealer.**

1248 This bill repeals:

1249 Section **58-40-201, Board.**

1250 Section **58-60-203, Board.**

1251 Section **58-60-303, Board -- Powers.**

1252 Section **58-60-403, Board.**

1253 Section **58-60-503, Board.**

1254 Section **58-61-201, Board.**

1255 Section **58-78-201, Board.**

1256 Section 26. **Effective date.**

1257 This bill takes effect on May 1, 2024.