

Part 5 Substance Use Disorder Counselor Act

58-60-501 Title.

This part is known as the "Substance Use Disorder Counselor Act."

Amended by Chapter 179, 2012 General Session

58-60-502 Definitions.

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

- (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.
- (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.
- (3) "General supervision" shall be defined by division rule.
- (4) "Group supervision" means more than one counselor licensed under this part meets with the supervisor at the same time.
- (5) "Individual supervision" means only one counselor licensed under this part meets with the supervisor at a given time.
- (6) "Practice as an advanced substance use disorder counselor" means:
 - (a) providing the services described in Subsections (9)(a) and (b);
 - (b) screening and assessing of individuals, including identifying substance use disorder symptoms and behaviors and co-occurring mental health issues;
 - (c) treatment planning for substance use disorders, including initial planning, reviewing and updating treatment plans for substance use disorders, ongoing intervention, continuity of care, discharge planning, planning for relapse prevention, and long term recovery support;
 - (d) supervising a substance use disorder counselor in accordance with Subsection 58-60-508(2); and
 - (e) conducting supportive counseling and psychosocial education for substance use disorders and co-occurring mental health disorders, including:
 - (i) providing individual and group support;
 - (ii) providing individual and group psychosocial education; and
 - (iii) providing manualized therapeutic interventions if:
 - (A) conducted under the supervision of a mental health therapist;

- (B) for the treatment of mild to moderate behavioral health symptoms or disorders, as diagnosed by a mental health therapist; and
 - (C) consistent with the client's treatment plan approved by a mental health therapist.
- (7) "Practice as a master addiction counselor" means the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior by:
- (a) the application of generally recognized substance use disorder counseling and addiction 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; and
 - (b) the supervision of an advanced substance use disorder counselor or a substance use disorder counselor.
- (8) "Practice as an associate master addiction counselor" means the same as the practice as a master addiction counselor, except while under the supervision of a clinical supervisor.
- (9)
- (a) "Practice as a substance use disorder counselor" means providing services as an employee of a substance use disorder agency under the general supervision of a licensed mental health therapist to individuals or groups of persons, whether in person or remotely, for conditions of substance use disorders consistent with the education and training of a substance use disorder counselor required under this part, and the standards and ethics of the profession as approved by the division in collaboration with the board.
 - (b) "Practice as a substance use disorder counselor" includes:
 - (i) administering the screening process by which a client is determined to need substance use disorder services, which may include screening, brief intervention, and treatment referral;
 - (ii) conducting the administrative intake procedures for admission to a program;
 - (iii) conducting orientation of a client, including:
 - (A) describing the general nature and goals of the program;
 - (B) explaining rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program;
 - (C) explaining hours during which services are available in a nonresidential program;
 - (D) treatment costs to be borne by the client, if any; and
 - (E) describing the client's rights as a program participant;
 - (iv) conducting assessment procedures by which a substance use disorder counselor gathers information related to an individual's strengths, weaknesses, needs, and substance use disorder symptoms for the development of the treatment plan;
 - (v) participating in the process of treatment planning, including recommending specific interventions to support existing treatment goals and objectives developed by the substance use disorder counselor, the mental health therapist, and the client to:
 - (A) identify and rank problems needing resolution;
 - (B) establish agreed upon immediate and long term goals; and
 - (C) decide on a treatment process and the resources to be utilized;
 - (vi) monitoring compliance with treatment plan progress;
 - (vii) providing substance use disorder counseling services to alcohol and drug use disorder clients and significant people in the client's life as part of a comprehensive treatment plan, including:
 - (A) leading specific task-oriented groups, didactic groups, and group discussions;
 - (B) cofacilitating group therapy with a licensed mental health therapist; and

- (C) engaging in one-on-one interventions and interactions coordinated by a mental health therapist;
 - (viii) performing case management activities that bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established goals, including, when appropriate, liaison activities and collateral contacts;
 - (ix) providing substance use disorder crisis intervention services;
 - (x) providing client education to individuals and groups concerning alcohol and other substance use disorders, including identification and description of available treatment services and resources;
 - (xi) identifying the needs of the client that cannot be met by the substance use disorder counselor or substance use disorder agency and referring the client to appropriate services and community resources;
 - (xii) developing and providing effective reporting and recordkeeping procedures and services, which include charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries, and other client-related data; and
 - (xiii) consulting with other professionals in regard to client treatment and services to assure comprehensive quality care for the client.
- (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.
- (10) "Program" means a substance use disorder agency that provides substance use disorder services, including recovery support services.
- (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.
- (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.
- (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.

Amended by Chapter 420, 2024 General Session

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;
- (3) licensed advanced substance use disorder counselor; and

(4) licensed substance use disorder counselor.

Amended by Chapter 420, 2024 General Session

58-60-506 Qualifications for licensure.

- (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based on education, training, and experience 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) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(d) via a course that the division designates as approved;
 - (d) produce a certified transcript from an accredited institution of higher education that meets standards established by division rule under Section 58-1-203, verifying the satisfactory completion of:
 - (i) a doctoral or master's degree in:
 - (A) substance use disorders or addiction counseling and treatment; or
 - (B) a counseling subject approved by the division in collaboration with the board, which may include social work, mental health counseling, marriage and family therapy, psychology, or medicine;
 - (ii) an associate's degree or higher, or 18 credit hours, in substance use disorder or addiction counseling and treatment from a regionally accredited institution of higher education;
 - (e) if required under federal law for any licensee as a master addiction counselor to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
 - (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(g); or
 - (ii) not less than two years of clinical supervision;
 - (f) document successful completion of not less than 1,200 direct client care hours:
 - (i) obtained after completion of the education requirements under Subsection (1)(d)(ii);
 - (ii) subject to Subsection (1)(f)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
 - (iii) not less than 25 of which are direct observation hours; and
 - (iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
 - (g) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii), evidence completion of an additional 200 hours of direct client care hours in substance use disorder or addiction treatment;
 - (h)
 - (i) pass the examination requirement established by division rule under Section 58-1-203; or
 - (ii) satisfy the following requirements:
 - (A) document at least one examination attempt that did not result in a passing score;
 - (B) 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 clinical supervisor;
 - (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and

- (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and
- (i) 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) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for licensure as master addiction counselor may document current certification in good standing as:
 - (a) a master addiction counselor by the National Certification Commission for Addiction Professionals;
 - (b) a master addiction counselor by the National Board for Certified Counselors; or
 - (c) an equivalent certification as under Subsections (2)(a) and (b), as determined in rule made by the division in collaboration with the board.
- (3) An applicant for licensure as an associate master addiction counselor shall satisfy the requirements under Subsections (1)(a) through (c) and (i).
- (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use disorder 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; and
 - (c)
 - (i) produce certified transcripts verifying satisfactory completion of:
 - (A) a bachelor's degree or higher, from a regionally accredited institution of higher learning, in substance use disorders, addiction, or related counseling subjects, including social work, mental health counseling, marriage and family counseling, or psychology; or
 - (B) two academic years of study in a master's of addiction counseling curriculum and practicum approved by the National Addictions Studies Accreditation Commission;
 - (ii) document completion of at least 500 hours of supervised experience while licensed as a substance use disorder counselor under this section, which the applicant may complete while completing the education requirements under Subsection (1)(c)(i); and
 - (iii) satisfy examination requirements established by the division in rule.
- (5) The requirements of Subsection (4)(c) may be satisfied by providing official verification of current certification in good standing:
 - (a)
 - (i) as a National Certified Addiction Counselor Level II (NCAC II) from the National Certification Commission for Addiction Professionals (NCC AP); or
 - (ii) as an Advanced Alcohol & Drug Counselor (AADC), from the International Certification and Reciprocity Consortium; or
 - (b) of substantive equivalence to the certifications under Subsection (5)(a), as determined by division rule made in consultation with the board.
- (6) 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 (6)(b)(i), a minimum of two hours of training in suicide prevention via a course that the division designates as approved; and
 - (iii) completion of a supervised practicum of at least 200 hours; and
- (c) documentation of the applicant's completion of at least 2,000 hours of supervised experience in substance use disorder treatment that:
- (i) meets division standards; and
 - (ii) is performed within a two-year period after the applicant's completion of the substance use disorder education program described in Subsection (6)(b), unless, as determined by the division after consultation with the board, the time for performance is extended due to an extenuating circumstance.

Amended by Chapter 420, 2024 General Session

58-60-507 Qualifications for admission to examination.

All applicants for admission to any examination qualifying an individual for licensure under this part shall:

- (1) submit an application on a form provided by the division; and
- (2) pay the fee established for the examination.

Amended by Chapter 283, 2007 General Session

58-60-508 Substance use disorder counselor supervisor's qualifications -- Functions.

- (1) A mental health therapist supervisor of a substance use disorder counselor shall:
 - (a) be qualified by education or experience to treat substance use disorders;
 - (b) be currently working in the substance use disorder treatment field;
 - (c) review substance use disorder counselor assessment procedures and recommendations;
 - (d) provide substance use disorder diagnosis and other mental health diagnoses in accordance with Subsection 58-60-102(7);
 - (e) supervise the development of a treatment plan;
 - (f) approve the treatment plan; and
 - (g) provide direct supervision for not more than six persons, unless granted an exception in writing from the board and the division.
- (2) A licensed advanced substance use disorder counselor may act as the supervisor of a certified substance use disorder counselor, certified substance use disorder counselor intern, certified advanced substance use disorder counselor, or certified advanced substance use disorder counselor intern if the licensed advanced substance use disorder counselor:
 - (a) has at least two years of experience as a licensed advanced substance use disorder counselor;
 - (b) is currently working in the substance use disorder field; and
 - (c) provides direct supervision for no more than six individuals, unless granted an exception in writing from the board and the division.

Amended by Chapter 393, 2019 General Session

58-60-509 Confidentiality -- Exemptions.

- (1) A licensee under this part may not disclose any confidential communication with a client or patient without the express consent of:

- (a) the client or patient;
 - (b) the parent or legal guardian of a minor client or patient; or
 - (c) the authorized agent of a client or patient.
- (2) A licensee under this part is not subject to Subsection (1) if:
- (a) the licensee is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
 - (i) reporting under Title 26B, Chapter 6, Part 2, Abuse, Neglect, or Exploitation of a Vulnerable Adult;
 - (ii) reporting under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports;
 - (iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
 - (iv) reporting of a communicable disease as required under Section 26B-7-206;
 - (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or
 - (c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 329, 2023 General Session

58-60-510 Evidentiary privilege.

Evidentiary privilege for a licensee under this part concerning admissibility of any confidential communication in administrative, civil, or criminal proceedings is in accordance with Rule 506, Utah Rules of Evidence.

Amended by Chapter 283, 2007 General Session

58-60-511 Experience requirement -- Transition of licensing and experience.

- (1) Except as otherwise approved in writing by the board and the division, an individual currently licensed as a substance abuse counselor may transition to the substance use disorder counselor license as follows:
- (a) an individual who documents practice as a substance abuse counselor for six years or longer, by July 1, 2013, may apply for an advanced substance use disorder license;
 - (b) if an individual who has practiced as a substance abuse counselor for less than six years of experience meets the education requirements under Subsection 58-60-506(2)(a) by July 1, 2013, the individual may apply to the division for an advanced substance use disorder license;
 - (c) the division shall convert the license of an individual who has practiced for less than six years, and who is licensed as a substance abuse counselor, to a substance use disorder counselor license; or
 - (d) the division shall convert the license of an individual who is a certified substance abuse counselor, or a certified substance abuse counselor intern, to a certified substance use disorder counselor.
- (2) An applicant working toward licensure under division rules in effect before July 1, 2012, who is enrolled in an approved education program, and has completed at least 100 hours of addiction-specific training before July 1, 2012, may be licensed in accordance with division rules.

Amended by Chapter 179, 2012 General Session

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

- (1) An individual who is licensed as a master addiction counselor:
 - (a) may engage in practice as a licensed master addiction counselor without supervision, in private and independent practice or as an employee of another person, limited only by the licensee's education, training, and competence; and
 - (b) may engage in the practice of mental health therapy.
- (2) To the extent an individual has completed the educational requirements of Section 58-60-506, a licensed associate master addiction counselor may engage in the practice as a licensed master addiction counselor and licensed advanced substance use disorder counselor if the practice is:
 - (a) within the scope of employment as a licensed master addiction counselor or a licensed advanced substance use disorder counselor with, as defined by the division in rule, a public agency or private clinic; and
 - (b) under supervision of a qualified licensed mental health therapist as defined in Section 58-60-102.
- (3) A licensed associate master addiction counselor may not engage in the unsupervised practice of master addiction counseling.

Enacted by Chapter 420, 2024 General Session