

1 **MENTAL HEALTH THERAPIST LICENSING**

2 **ACT AMENDMENTS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Karen Hale**

6 AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; AMENDING THE
7 EXEMPTIONS TO THE LICENSURE REQUIREMENTS OF THE MENTAL HEALTH
8 PROFESSIONAL PRACTICE ACT; AND REMOVING THE POWER OF THE DIVISION TO
9 ISSUE TEMPORARY CERTIFICATES.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **58-60-107**, as last amended by Chapter 311, Laws of Utah 1998

13 REPEALS:

14 **58-60-116**, as enacted by Chapter 311, Laws of Utah 1998

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

16 Section 1. Section **58-60-107** is amended to read:

17 **58-60-107. Exemptions from licensure.**

18 In addition to the exemptions from licensure in Section 58-1-307, the following may
19 engage in acts included within the definition of practice as a mental health therapist, subject to the
20 stated circumstances and limitations, without being licensed under this chapter:

21 (1) the following when practicing within the scope of the license held:

22 (a) a physician and surgeon or osteopathic physician and surgeon licensed under Title 58,
23 Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice
24 Act; and

25 ~~[(b) a registered psychiatric mental health nurse specialist licensed under Chapter 31,~~
26 ~~Nurse Practice Act; and]~~

27 ~~[(c)]~~ (b) a psychologist licensed under Title 58, Chapter 61, Psychologist Licensing Act;

28 (2) a recognized member of the clergy while functioning in his ministerial capacity as long
29 as he does not represent himself as or use the title of a license classification in Subsection
30 58-60-102(5);

31 (3) an individual who is offering expert testimony in any proceeding before a court,
32 administrative hearing, deposition upon the order of any court or other body having power to order
33 the deposition, or proceedings before any master, referee, or alternative dispute resolution
34 provider;

35 (4) an individual engaged in performing hypnosis who is not licensed under Title 58,
36 Occupations and Professions, in a profession which includes hypnosis in its scope of practice, and
37 who:

38 (a) (i) induces a hypnotic state in a client for the purpose of increasing motivation or
39 altering lifestyles or habits, such as eating or smoking, through hypnosis;

40 (ii) consults with a client to determine current motivation and behavior patterns;

41 (iii) prepares the client to enter hypnotic states by explaining how hypnosis works and
42 what the client will experience;

43 (iv) tests clients to determine degrees of suggestibility;

44 (v) applies hypnotic techniques based on interpretation of consultation results and analysis
45 of client's motivation and behavior patterns; and

46 (vi) trains clients in self-hypnosis conditioning;

47 (b) may not:

48 (i) engage in the practice of mental health therapy;

49 (ii) represent himself using the title of a license classification in Subsection 58-60-102(5);

50 or

51 (iii) use hypnosis with or treat a medical, psychological, or dental condition defined in
52 generally recognized diagnostic and statistical manuals of medical, psychological, or dental
53 disorders;

54 (5) an individual's exemption from licensure under Subsection 58-1-307(1)(b) or (c) while
55 completing any supervised clinical training requirement for licensure extends not more than one
56 year from the date the minimum requirement for training is completed, unless the individual
57 presents satisfactory evidence to the division and the appropriate board that the individual is
58 making reasonable progress toward passing of the qualifying examination for that profession or

59 is otherwise on a course reasonably expected to lead to licensure, but any exemption under this
60 subsection may not exceed two years past the date the minimum supervised clinical training
61 requirement has been completed;

62 (6) an individual holding an earned doctoral degree or master's degree in social work,
63 marriage and family therapy, or professional counseling, who is employed by an accredited
64 institution of higher education and who conducts research and teaches in that individual's
65 professional field, but only if the individual does not engage in providing or supervising
66 professional services regulated under this chapter to individuals or groups regardless of whether
67 there is compensation for the services;

68 (7) an individual~~[, holding an earned doctoral degree or master's degree in a discipline~~
69 ~~which is a prerequisite for practice as a mental health therapist, who provides mental health~~
70 ~~therapy as an employee of a public or private organization which provides mental health therapy~~
71 ~~while under the direct supervision of a person licensed under this chapter as part of a professional~~
72 ~~training program approved by the division and offered through the agency for not more than 12~~
73 ~~months]~~ in an on-the-job training program approved by the division while under the supervision
74 of qualified persons;

75 (8) an individual providing general education in the subjects of alcohol or drug use or
76 abuse, including prevention; and

77 (9) an individual providing advice or counsel to another individual in a setting of their
78 association as friends or relatives and in a nonprofessional and noncommercial relationship, if
79 there is no compensation paid for the advice or counsel.

80 Section 2. **Repealer.**

81 This act repeals:

82 Section **58-60-116, Temporary certificate.**

Legislative Review Note as of 2-5-99 9:07 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel