

**MENTAL HEALTH THERAPIST LICENSING ACT AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Judy Ann Buffmire**

**This act amends the Division of Occupational and Professional Licensing Act to place mental health professionals who are undergoing clinical training under the supervision of the division. The act authorizes the division to issue certifications of mental health interns and residents. The act establishes requirements for certification as a marriage and family therapy intern, a professional counselor intern and a psychology resident. The act limits a certified resident or intern practice to supervised employed practice, and limits the certification to the period of time necessary to complete training. The act clarifies the elements of unprofessional conduct by specifically including practice by a certified intern or resident without supervision or employment. The act amends the definition of unlawful conduct to include false representations of certification as a mental health professional intern or resident. This act makes technical amendments.**

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

AMENDS:

**58-60-103**, as last amended by Chapters 21 and 81, Laws of Utah 1999

**58-60-107**, as last amended by Chapters 21 and 81, Laws of Utah 1999

**58-60-109**, as last amended by Chapter 248, Laws of Utah 1997

**58-60-110**, as last amended by Chapter 248, Laws of Utah 1997

**58-60-304**, as enacted by Chapter 32, Laws of Utah 1994

**58-60-305**, as last amended by Chapter 159, Laws of Utah 2000

**58-60-404**, as enacted by Chapter 32, Laws of Utah 1994

**58-60-405**, as last amended by Chapter 28, Laws of Utah 1995

**58-61-301**, as enacted by Chapter 32, Laws of Utah 1994

**58-61-304**, as last amended by Chapter 4, Laws of Utah 2000

**58-61-307**, as last amended by Chapter 224, Laws of Utah 2000

**58-61-501**, as enacted by Chapter 32, Laws of Utah 1994

**58-61-502**, as enacted by Chapter 32, Laws of Utah 1994

ENACTS:

**58-60-308**, Utah Code Annotated 1953

**58-60-407**, Utah Code Annotated 1953

**58-61-308**, Utah Code Annotated 1953

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

Section 1. Section **58-60-103** is amended to read:

**58-60-103. Licensure required.**

(1) An individual shall be licensed under this chapter; Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act; Chapter 31b, Nurse Practice Act; Chapter 61, Psychologist Licensing Act; or exempted from licensure under this chapter in order to:

(a) engage in or represent he will engage in the practice of mental health therapy, clinical social work, certified social work, marriage and family therapy, or professional counseling; or

(b) practice as or represent himself as a mental health therapist, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychologist, or registered psychiatric mental health nurse specialist.

(2) An individual shall be licensed under this chapter or exempted from licensure under this chapter in order to:

(a) engage in or represent that he is engaged in practice as a social service worker; or

(b) represent himself as or use the title of social service worker.

(3) An individual shall be licensed under this chapter or exempted from licensure under this chapter in order to:

(a) engage in or represent that he is engaged in practice as a licensed substance abuse counselor; or

(b) represent himself as or use the title of licensed substance abuse counselor.

(4) Notwithstanding the provisions of Subsection 58-1-307(1)(c), an individual shall be certified under this chapter, or otherwise exempted from licensure under this chapter in order to engage in an internship or residency program of supervised clinical training necessary to meet the

requirements for licensure as:

- (a) a marriage and family therapist under Part 3; or
- (b) a professional counselor under Part 4.

Section 2. Section **58-60-107** is amended to read:

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

(1) Except as modified in Section 58-60-103, the exemptions from licensure in Section 58-1-307 apply to this chapter.

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

~~[(1)]~~ (b) the following when practicing within the scope of the license held:

~~[(a)]~~ (i) a physician and surgeon or osteopathic physician and surgeon licensed under [~~Title 58,~~] Chapter 67, Utah Medical Practice Act, or [~~Title 58,~~] Chapter 68, Utah Osteopathic Medical Practice Act;

~~[(b)]~~ (ii) an advanced practice registered nurse, specializing in psychiatric mental health nursing, licensed under [~~Title 58,~~] Chapter 31b, Nurse Practice Act; and

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

~~[(2)]~~ (3) a recognized member of the clergy while functioning in his ministerial capacity as long as he does not represent himself as or use the title of a license classification in Subsection 58-60-102(5);

~~[(3)]~~ (4) an individual who is offering expert testimony in any proceeding before a court, administrative hearing, deposition upon the order of any court or other body having power to order the deposition, or proceedings before any master, referee, or alternative dispute resolution provider;

~~[(4)]~~ (5) an individual engaged in performing hypnosis who is not licensed under [~~Title 58, Occupations and Professions,~~] this title in a profession which includes hypnosis in its scope of practice, and who:

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

- (ii) consults with a client to determine current motivation and behavior patterns;
  - (iii) prepares the client to enter hypnotic states by explaining how hypnosis works and what the client will experience;
  - (iv) tests clients to determine degrees of suggestibility;
  - (v) applies hypnotic techniques based on interpretation of consultation results and analysis of client's motivation and behavior patterns; and
  - (vi) trains clients in self-hypnosis conditioning;
- (b) may not:
- (i) engage in the practice of mental health therapy;
  - (ii) represent himself using the title of a license classification in Subsection 58-60-102(5);

or

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

~~[(5)] (6) an individual's exemption from licensure under Subsection 58-1-307(1)(b) [or (c) while completing any supervised clinical training requirement for licensure 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 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 any exemption under this subsection may not exceed two years past the date the minimum supervised clinical training requirement has been completed]~~ terminates when the student's training is no longer supervised by qualified faculty or staff and the activities are no longer a defined part of the degree program;

~~[(6)] (7) an individual holding an earned doctoral degree or master's degree in social work, marriage and family therapy, or professional counseling, who is employed by an accredited institution of higher education and who conducts research and teaches in that individual's professional field, but only if the individual does not engage in providing or supervising professional services regulated under this chapter to individuals or groups regardless of whether there is~~

compensation for the services;

~~[(7)]~~ (8) an individual in an on-the-job training program approved by the division while under the supervision of qualified persons;

~~[(8)]~~ (9) an individual providing general education in the subjects of alcohol or drug use or abuse, including prevention; and

~~[(9)]~~ (10) an individual providing advice or counsel to another individual in a setting of their association as friends or relatives and in a nonprofessional and noncommercial relationship, if there is no compensation paid for the advice or counsel.

Section 3. 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) professional counseling;
- (f) practice as a social service worker; or
- (g) licensed substance abuse counselor;

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

(3) representing oneself as or using the title of any of the following unless currently licensed in a license classification under this title:

- (a) psychiatrist;
- (b) psychotherapist;
- (c) registered psychiatric mental health nurse specialist;

- (d) mental health therapist;
- (e) clinical social worker;
- (f) certified social worker;
- (g) marriage and family therapist;
- (h) professional counselor;
- (i) clinical hypnotist;
- (j) social service worker; [or]
- (k) licensed substance abuse counselor[-];
- (l) certified professional counselor intern; or
- (m) certified marriage and family therapist intern.

Section 4. Section **58-60-110** is amended to read:

**58-60-110. Unprofessional conduct.**

(1) As used in this chapter, "unprofessional conduct" includes:

- (a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed, or the laws of the state;
- (b) failure to confine practice conduct to those acts or practices:
  - (i) in which the individual is competent by education, training, and experience within limits of education, training, and experience; and
  - (ii) which are within applicable scope of practice laws of this chapter; and
- (c) disclosing or refusing to disclose any confidential communication under Section 58-60-114 or 58-60-509.

(2) "Unprofessional conduct" under this chapter may be further defined by division rule.

Section 5. Section **58-60-304** is amended to read:

**58-60-304. License classification.**

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

- (1) marriage and family therapist[-]; or

(2) certified marriage and family therapist intern.

Section 6. 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:

~~[(1)]~~ (a) submit an application on a form provided by the division;

~~[(2)]~~ (b) pay a fee determined by the department under Section 63-38-3.2;

~~[(3)]~~ (c) be of good moral character;

~~[(4)]~~ (d) produce certified transcripts evidencing completion of a masters or doctorate degree in marriage and family therapy from:

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

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

~~[(5)]~~ (e) have completed a minimum of 4,000 hours of marriage and family therapy training as defined by division rule under Section 58-1-203, in not less than two years, under the supervision of a marriage and family therapist supervisor who meets the requirements of Section 58-60-307, and obtained after completion of the education requirement in Subsection ~~[(4)]~~ (1)(d);

~~[(6)]~~ (f) 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 ~~[(4)(a) or (b)]~~ (1)(d)(i) or (1)(d)(ii), which training may be included as part of the 4,000 hours of training described in Subsection ~~[(5)]~~ (1)(e), and of which documented evidence demonstrates not less than 100 of the supervised hours were obtained during direct, personal, face-to-face supervision by a marriage and family therapist supervisor qualified under Section 58-60-307; and

~~[(7)]~~ (g) pass the examination requirement established by division rule under Section 58-1-203.

(2) (a) All applicants for certification as a marriage and family therapist intern shall comply with the provisions of Subsections (1)(a), (b), (c), and (d).

(b) An individual's certification as a marriage and family therapist intern is limited to the period of time necessary to complete clinical training as described in Subsections (1)(e) and (f) 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 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 two years past the date the minimum supervised clinical training requirement has been completed.

Section 7. Section **58-60-308** is enacted to read:

**58-60-308. Scope of practice -- Limitations.**

(1) A licensed marriage and family therapist may engage in all acts and practices defined as the practice of marriage and family therapy without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(2) (a) To the extent an individual has completed the educational requirements of Subsections 58-60-305(1)(a) through (1)(d) a certified marriage and family therapist intern may engage in all acts and practices defined as the practice of marriage and family therapy if the practice is:

(i) within the scope of employment as a certified marriage and family therapist intern with a public agency or a private clinic as defined by division rule; and

(ii) under the supervision of a licensed marriage and family therapist who is qualified as a supervisor under Section 58-60-307.

(b) A certified marriage and family therapy intern may not engage in the independent practice of marriage and family therapy.

Section 8. Section **58-60-404** is amended to read:

**58-60-404. License classification.**

The division shall issue licenses to individuals qualified under the provisions of this part in the classification of:

- (1) a professional counselor[-]; or
- (2) a certified professional counselor intern.

Section 9. Section **58-60-405** is amended to read:

**58-60-405. Qualifications for licensure.**

(1) All applicants for licensure as a professional counselor shall:

- ~~[(1)]~~ (a) submit an application on a form provided by the division;
- ~~[(2)]~~ (b) pay a fee determined by the department under Section 63-38-3.2;
- ~~[(3)]~~ (c) be of good moral character;
- ~~[(4)]~~ (d) produce certified transcripts from an accredited institution of higher education

recognized by the division in collaboration with the board verifying satisfactory completion of:

~~[(a)]~~ (i) an education and degree in an education program in counseling with a core curriculum defined by division rule under Section 58-1-203 preparing one to competently engage in mental health therapy; and

~~[(b)]~~ (ii) an earned doctoral or master's degree resulting from that education program;

~~[(5)]~~ (e) have completed a minimum of 4,000 hours of professional counselor training as defined by division rule under Section 58-1-203, in not less than two years, under the supervision of a professional counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or marriage and family therapist supervisor approved by the division in collaboration with the board, and obtained after completion of the education requirement in Subsection ~~[(4)]~~ (1)(d);

~~[(6)]~~ (f) 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 ~~[(4)]~~ (1)(d), which training may be included as part of the 4,000 hours of training in Subsection ~~[(5)]~~ (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct personal face to face supervision of a mental health therapist approved by the division in collaboration with the board; and

~~[(7)]~~ (g) pass the examination requirement established by division rule under Section 58-1-203.

(2) (a) All applicants for certification as a professional counselor intern shall comply with the provisions of Subsections (1)(a), (b), (c), and (d).

(b) An individual's certification as a professional counselor intern is limited to the period of time necessary to complete clinical training as described in Subsections (1)(e) and (f) 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 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 two years past the date the minimum supervised clinical training requirement has been completed.

Section 10. Section **58-60-407** is enacted to read:

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

(1) A licensed professional counselor may engage in all acts and practices defined as the practice of professional 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.

(2) (a) To the extent an individual has completed the educational requirements of Subsections 58-60-308(1)(a) through (1)(d), a certified professional counseling intern may engage in all acts and practices defined as the practice of professional counseling if the practice is:

(i) within the scope of employment as a certified professional 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 Subsection 58-60-405(5).

(b) A certified professional counselor intern may not engage in the independent practice of professional counseling.

Section 11. Section **58-61-301** is amended to read:

**58-61-301. Licensure required.**

(1) (a) A license is required to engage in the practice of psychology, except as specifically provided in Section 58-1-307.

(b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be certified under this chapter as a psychology resident in order to engage in a residency program of supervised clinical training necessary to meet licensing requirements as a psychologist under this chapter.

(2) The division shall issue to a person who qualifies under this chapter a license in the classification of:

(a) psychologist; or

(b) certified psychology resident.

Section 12. Section **58-61-304** is amended to read:

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

(1) All applicants for licensure as a psychologist based upon education, clinical training, and examination shall:

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

(b) pay a fee determined by the department under Section 63-38-3.2;

(c) be of good moral character;

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

(e) have completed a minimum of 4,000 hours of psychology training as defined by division rule under Section 58-1-203 in not less than two years and under the supervision of a psychologist supervisor approved by the division in collaboration with the board, 2,000 hours of which are obtained after completion of a master's level of education in psychology and 2,000 hours of which shall be obtained after completion of the requirements for a doctoral degree in psychology;

(f) to be qualified to engage in mental health therapy, document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of a master's level of education in psychology, which training may be included as part of the 4,000

hours of training required in Subsection (1)(e), and for which documented evidence demonstrates not less than one hour of supervision for each 40 hours of supervised training was obtained under the direct personal face to face supervision of a psychologist approved by the division in collaboration with the board;

(g) pass the examination requirement established by division rule under Section 58-1-203; and

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

(2) All applicants for licensure as a psychologist by endorsement based upon licensure in another jurisdiction shall:

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

(b) pay a fee determined by the department under Section 63-38-3.2;

(c) be of good moral character and professional standing, and not have any disciplinary action pending or in effect against the applicant's psychologist license in any jurisdiction;

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

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

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

(g) provide satisfactory evidence that:

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

(ii) the applicant is a current holder of diplomate status in good standing from the American Board of Professional Psychology; and

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

(3) (a) All applicants for certification as a psychology resident shall comply with the provisions of Subsections (1)(a), (b), (c), (d), and (h).

(b) 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)(e) and (f) 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 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, but the period of time under this Subsection (3)(b) may not exceed two years past the date the minimum supervised clinical training requirement has been completed.

Section 13. Section **58-61-307** is amended to read:

**58-61-307. Exemptions from licensure.**

(1) Except as modified in Section 58-61-301, the exemptions from licensure in Section 58-1-307 apply to this chapter.

(2) In addition to the exemptions from licensure in Section 58-1-307, the following when practicing within the scope of the license held, may engage in acts included within the definition of practice as a psychologist, subject to the stated circumstances and limitations, without being licensed under this chapter:

~~[(1) the following when practicing within the scope of the license held:]~~

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

(b) a registered psychiatric mental health nurse specialist licensed under Chapter 31b, Nurse Practice Act;

~~[(2)]~~ (3) a recognized member of the clergy while functioning in his ministerial capacity as long as he does not represent himself as or use the title of psychologist;

~~[(3)]~~ (4) an individual who is offering expert testimony in any proceeding before a court,

administrative hearing, deposition upon the order of any court or other body having power to order the deposition, or proceedings before any master, referee, or alternative dispute resolution provider;

~~[(4)]~~ (5) an individual engaged in performing hypnosis who is not licensed under ~~[Title 58, Occupations and Professions,]~~ this title in a profession which includes hypnosis in its scope of practice, and who:

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

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

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

(iv) tests clients to determine degrees of suggestibility;

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

(vi) trains clients in self-hypnosis conditioning;

(b) may not:

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

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

or

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

~~[(5)]~~ (6) an individual's exemption from licensure under Subsection 58-1-307(1)(b) ~~[or (c)]~~ while completing any supervised clinical training requirement for licensure as a psychologist 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 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, but any exemption under this subsection may not exceed two years past the date the minimum supervised clinical

~~training requirement has been completed]~~ terminates when the student's training is no longer supervised by qualified faculty or staff and the activities are no longer a defined part of the degree program;

~~[(6)]~~ (7) an individual holding an earned doctoral degree in psychology who is employed by an accredited institution of higher education and who conducts research and teaches in that individual's professional field, but only if the individual does not engage in providing delivery or supervision of professional services regulated under this chapter to individuals or groups regardless of whether there is compensation for the services;

~~[(7)]~~ (8) any individual who was employed as a psychologist by a state, county, or municipal agency or other political subdivision of the state prior to July 1, 1981, and who subsequently has maintained employment as a psychologist in the same state, county, or municipal agency or other political subdivision while engaged in the performance of his official duties for that agency or political subdivision; ~~[and]~~

~~[(8)]~~ (9) an individual licensed as a school psychologist under Section 53A-6-104:

(a) may represent himself as and use the terms "school psychologist" or "licensed school psychologist"; and

(b) is restricted in his practice to employment within settings authorized by the State Board of Education; and

~~[(9)]~~ (10) an individual providing advice or counsel to another individual in a setting of their association as friends or relatives and in a nonprofessional and noncommercial relationship, if there is no compensation paid for the advice or counsel.

Section 14. Section **58-61-308** is enacted to read:

**58-61-308. Scope of practice -- Limitations.**

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

(2) An individual certified as a psychology resident may engage in all acts and practices defined as the practice of psychology only under conditions of employment as a psychology resident

and under the supervision of a licensed psychologist who is an approved psychology training supervisor as defined by division rule. A certified psychology resident shall not engage in the independent practice of psychology.

Section 15. Section **58-61-501** is amended to read:

**58-61-501. Unlawful conduct.**

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

(1) practice of psychology unless licensed as a psychologist or certified psychology resident under this chapter or exempted from licensure under this title;

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

(3) representing oneself as or using the title of psychologist, or certified psychology resident unless currently licensed under this chapter.

Section 16. Section **58-61-502** is amended to read:

**58-61-502. Unprofessional conduct.**

(1) As used in this chapter, "unprofessional conduct" includes:

(a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed, or the laws of the state;

(b) failure to confine practice conduct to those acts or practices;

(i) in which the individual is competent by education, training, and experience within limits of education, training, and experience; and

(ii) which are within applicable scope of practice laws of this chapter; and

(c) disclosing or refusing to disclose any confidential communication under Section 58-61-602.

(2) "Unprofessional conduct" under this chapter may be further defined by division rule.