

1                                   **MENTAL HEALTH THERAPIST LICENSING**

2                                   **ACT AMENDMENTS**

3                                   2001 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Judy Ann Buffmire**

6 **This act amends the Division of Occupational and Professional Licensing Act to place mental**  
7 **health professionals who are undergoing clinical training under the supervision of the**  
8 **division. The act removes the exemption from licensure for mental health professionals**  
9 **undergoing a clinical internship or residency. The act establishes requirements for licensure**  
10 **as a mental health care intern or resident. The act limits a resident or intern practice to**  
11 **supervised practice, and limits the license to the period of time necessary to complete**  
12 **training. The act clarifies the elements of unprofessional conduct by specifically including**  
13 **practice by an intern or resident without supervision. This act makes technical amendments.**

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

15 AMENDS:

16           **58-60-103**, as last amended by Chapters 21 and 81, Laws of Utah 1999

17           **58-60-107**, as last amended by Chapters 21 and 81, Laws of Utah 1999

18           **58-60-110**, as last amended by Chapter 248, Laws of Utah 1997

19           **58-60-305**, as last amended by Chapter 159, Laws of Utah 2000

20           **58-60-405**, as last amended by Chapter 28, Laws of Utah 1995

21           **58-61-301**, as enacted by Chapter 32, Laws of Utah 1994

22           **58-61-304**, as last amended by Chapter 4, Laws of Utah 2000

23           **58-61-307**, as last amended by Chapter 224, Laws of Utah 2000

24           **58-61-502**, as enacted by Chapter 32, Laws of Utah 1994

25 ENACTS:

26           **58-60-308**, Utah Code Annotated 1953

27           **58-60-407**, Utah Code Annotated 1953

**\*HB0073\***

28 **58-61-308**, Utah Code Annotated 1953

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

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

31 **58-60-103. Licensure required.**

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

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

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

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

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

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

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

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

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

50 (4) Notwithstanding the provisions of Subsection 58-1-307(1)(c), an individual shall be  
51 licensed under this chapter, or otherwise exempted from licensure under this chapter in order to  
52 engage in an internship or residency program of supervised clinical training necessary to meet the  
53 requirements for licensure as:

54 (a) a marriage and family therapist under Part 3; or

55 (b) a professional counselor under Part 4.

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

57 **58-60-107. Exemptions from licensure.**

58 (1) Except as modified in Section 58-60-103, the exemptions from licensure in Section

59 58-1-307 apply to this chapter.

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

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

64 ~~[(a)]~~ (i) a physician and surgeon or osteopathic physician and surgeon licensed under [~~Title~~  
65 ~~58;~~] Chapter 67, Utah Medical Practice Act, or [~~Title 58;~~] Chapter 68, Utah Osteopathic Medical  
66 Practice Act;

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

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

70 ~~[(2)]~~ (3) a recognized member of the clergy while functioning in his ministerial capacity  
71 as long as he does not represent himself as or use the title of a license classification in Subsection  
72 58-60-102(5);

73 ~~[(3)]~~ (4) an individual who is offering expert testimony in any proceeding before a court,  
74 administrative hearing, deposition upon the order of any court or other body having power to order  
75 the deposition, or proceedings before any master, referee, or alternative dispute resolution  
76 provider;

77 ~~[(4)]~~ (5) an individual engaged in performing hypnosis who is not licensed under [~~Title~~  
78 ~~58, Occupations and Professions;~~] this title in a profession which includes hypnosis in its scope  
79 of practice, and who:

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

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

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

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

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

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

89 (b) may not:

90 (i) engage in the practice of mental health therapy;  
 91 (ii) represent himself using the title of a license classification in Subsection 58-60-102(5);

92 or

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

96 [~~(5)~~] (6) an individual's exemption from licensure under Subsection 58-1-307(1)(b) [~~or (c)~~]  
 97 while completing any supervised clinical training requirement for licensure extends not more than  
 98 one year from the date the minimum requirement for training is completed, unless the individual  
 99 presents satisfactory evidence to the division and the appropriate board that the individual is  
 100 making reasonable progress toward passing of the qualifying examination for that profession or  
 101 is otherwise on a course reasonably expected to lead to licensure, but any exemption under this  
 102 subsection may not exceed two years past the date the minimum supervised clinical training  
 103 requirement has been completed] terminates when the student's training is no longer supervised  
 104 by qualified faculty or staff and the activities are no longer a defined part of the degree program;

105 [~~(6)~~] (7) an individual holding an earned doctoral degree or master's degree in social work,  
 106 marriage and family therapy, or professional counseling, who is employed by an accredited  
 107 institution of higher education and who conducts research and teaches in that individual's  
 108 professional field, but only if the individual does not engage in providing or supervising  
 109 professional services regulated under this chapter to individuals or groups regardless of whether  
 110 there is compensation for the services;

111 [~~(7)~~] (8) an individual in an on-the-job training program approved by the division while  
 112 under the supervision of qualified persons;

113 [~~(8)~~] (9) an individual providing general education in the subjects of alcohol or drug use  
 114 or abuse, including prevention; and

115 [~~(9)~~] (10) an individual providing advice or counsel to another individual in a setting of  
 116 their association as friends or relatives and in a nonprofessional and noncommercial relationship,  
 117 if there is no compensation paid for the advice or counsel.

118 Section 3. Section **58-60-110** is amended to read:

119 **58-60-110. Unprofessional conduct.**

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

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

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

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

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

128 (c) disclosing or refusing to disclose any confidential communication under Section  
 129 58-60-114 or 58-60-509.

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

131 Section 4. Section **58-60-305** is amended to read:

132 **58-60-305. Qualifications for licensure.**

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

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

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

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

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

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

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

143 [~~(5)~~] (e) have completed a minimum of 4,000 hours of marriage and family therapy  
 144 training as defined by division rule under Section 58-1-203, in not less than two years, under the  
 145 supervision of a marriage and family therapist supervisor who meets the requirements of Section  
 146 58-60-307, and obtained after completion of the education requirement in Subsection [~~(4)~~] (1)(d);

147 [~~(6)~~] (f) document successful completion of not less than 1,000 hours of supervised  
 148 training in mental health therapy obtained after completion of the education requirement described  
 149 in Subsection [~~(4)(a) or (b)~~] (1)(d)(i) or (1)(d)(ii), which training may be included as part of the  
 150 4,000 hours of training described in Subsection [~~(5)~~] (1)(e), and of which documented evidence  
 151 demonstrates not less than 100 of the supervised hours were obtained during direct, personal,

152 face-to-face supervision by a marriage and family therapist supervisor qualified under Section  
153 58-60-307; and

154 [~~7~~] (g) pass the examination requirement established by division rule under Section  
155 58-1-203.

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

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

166 Section 5. Section **58-60-308** is enacted to read:

167 **58-60-308. Scope of practice -- Limitations.**

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

172 (2) To the extent an individual is professionally prepared by the education and training  
173 track completed while earning a master's or doctor of marriage and family therapy degree, a  
174 licensed marriage and family therapist intern may engage in all acts and practices defined as the  
175 practice of marriage and family therapy if the practice is:

176 (a) consistent with the licensee's education, clinical training, experience, and competence;  
177 and

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

180 Section 6. Section **58-60-405** is amended to read:

181 **58-60-405. Qualifications for licensure.**

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

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

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

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

186           ~~[(4)]~~ (d) produce certified transcripts from an accredited institution of higher education  
187 recognized by the division in collaboration with the board verifying satisfactory completion of:

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

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

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

198           ~~[(6)]~~ (f) document successful completion of not less than 1,000 hours of supervised  
199 training in mental health therapy obtained after completion of the education requirement in  
200 Subsection ~~[(4)]~~ (1)(d), which training may be included as part of the 4,000 hours of training in  
201 Subsection ~~[(5)]~~ (1)(e), and of which documented evidence demonstrates not less than 100 of the  
202 hours were obtained under the direct personal face to face supervision of a mental health therapist  
203 approved by the division in collaboration with the board; and

204           ~~[(7)]~~ (g) pass the examination requirement established by division rule under Section  
205 58-1-203.

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

208           (b) An individual's licensure as a professional counselor intern is limited to the period of  
209 time necessary to complete clinical training as described in Subsections (1)(e) and (f) and extends  
210 not more than one year from the date the minimum requirement for training is completed, unless  
211 the individual presents satisfactory evidence to the division and the appropriate board that the  
212 individual is making reasonable progress toward passing of the qualifying examination for that  
213 profession or is otherwise on a course reasonably expected to lead to licensure, but the period of

214 time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised  
215 clinical training requirement has been completed.

216 Section 7. Section **58-60-407** is enacted to read:

217 **58-60-407. Scope of practice -- Limitations.**

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

221 (2) To the extent an individual is professionally prepared by the education and training  
222 track completed while earning a master's or doctor of professional counseling, a licensed  
223 professional counseling intern may engage in all acts and practices defined as the practice of  
224 professional counseling if the practice is:

225 (a) consistent with the licensee's education, clinical training, experience, and competence;

226 and

227 (b) under supervision of a licensed professional counselor.

228 Section 8. Section **58-61-301** is amended to read:

229 **58-61-301. Licensure required.**

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

232 (b) The exemption provided in Subsection 58-1-307(1)(c) does not apply to this chapter.  
233 An individual must be licensed as a psychology resident if the individual is engaged in any  
234 residency program of supervised clinical training necessary to meet licensing requirements as a  
235 psychologist under this chapter.

236 (2) The division shall issue to a person who qualifies under this chapter a license in the  
237 classification of psychologist or psychology resident.

238 Section 9. Section **58-61-304** is amended to read:

239 **58-61-304. Qualifications for licensure by examination or endorsement.**

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

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

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

244 (c) be of good moral character;



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

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

256 (f) to be qualified to engage in mental health therapy, document successful completion of  
257 not less than 1,000 hours of supervised training in mental health therapy obtained after completion  
258 of a master's level of education in psychology, which training may be included as part of the 4,000  
259 hours of training required in Subsection (1)(e), and for which documented evidence demonstrates  
260 not less than one hour of supervision for each 40 hours of supervised training was obtained under  
261 the direct personal face to face supervision of a psychologist approved by the division in  
262 collaboration with the board;

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

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

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

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

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

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

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

275 (e) provide satisfactory evidence the applicant is currently licensed in another state,

276 district, or territory of the United States, or in any other jurisdiction approved by the division in  
277 collaboration with the board;

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

280 (g) provide satisfactory evidence that:

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

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

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

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

291 (b) An individual's licensure as a psychology resident is limited to the period of time  
292 necessary to complete clinical training as described in Subsections (1)(e) and (f) and extends not  
293 more than one year from the date the minimum requirement for training is completed, unless the  
294 individual presents satisfactory evidence to the division and the Psychologist Licensing Board that  
295 the individual is making reasonable progress toward passing the qualifying examination or is  
296 otherwise on a course reasonably expected to lead to licensure as a psychologist, but the period of  
297 time under this Subsection (3)(b) may not exceed two years past the date the minimum supervised  
298 clinical training requirement has been completed.

299 Section 10. Section **58-61-307** is amended to read:

300 **58-61-307. Exemptions from licensure.**

301 (1) Except as modified in Section 58-61-301, the exemptions from licensure in Section  
302 58-1-307 apply to this chapter.

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

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

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

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

312 ~~[(2)]~~ (3) a recognized member of the clergy while functioning in his ministerial capacity  
313 as long as he does not represent himself as or use the title of psychologist;

314 ~~[(3)]~~ (4) an individual who is offering expert testimony in any proceeding before a court,  
315 administrative hearing, deposition upon the order of any court or other body having power to order  
316 the deposition, or proceedings before any master, referee, or alternative dispute resolution  
317 provider;

318 ~~[(4)]~~ (5) an individual engaged in performing hypnosis who is not licensed under ~~[Title~~  
319 ~~58, Occupations and Professions,]~~ this title in a profession which includes hypnosis in its scope  
320 of practice, and who:

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

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

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

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

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

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

330 (b) may not:

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

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

333 or

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

337 ~~[(5)]~~ (6) an individual's exemption from licensure under Subsection 58-1-307(1)(b) ~~[or (c)]~~

338 while completing any supervised clinical training requirement for licensure as a psychologist  
339 extends not more than one year from the date the minimum requirement for training is completed,  
340 unless the individual presents satisfactory evidence to the division and the Psychologist Licensing  
341 Board that the individual is making reasonable progress toward passing the qualifying examination  
342 or is otherwise on a course reasonably expected to lead to licensure as a psychologist, but any  
343 exemption under this subsection may not exceed two years past the date the minimum supervised  
344 clinical training requirement has been completed] terminates when the student's training is no  
345 longer supervised by qualified faculty or staff and the activities are no longer a defined part of the  
346 degree program;

347 [(6)] (7) an individual holding an earned doctoral degree in psychology who is employed  
348 by an accredited institution of higher education and who conducts research and teaches in that  
349 individual's professional field, but only if the individual does not engage in providing delivery or  
350 supervision of professional services regulated under this chapter to individuals or groups regardless  
351 of whether there is compensation for the services;

352 [(7)] (8) any individual who was employed as a psychologist by a state, county, or  
353 municipal agency or other political subdivision of the state prior to July 1, 1981, and who  
354 subsequently has maintained employment as a psychologist in the same state, county, or municipal  
355 agency or other political subdivision while engaged in the performance of his official duties for  
356 that agency or political subdivision; and

357 [(8)] (9) an individual licensed as a school psychologist under Section 53A-6-104:

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

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

362 [(9)] (10) an individual providing advice or counsel to another individual in a setting of  
363 their association as friends or relatives and in a nonprofessional and noncommercial relationship,  
364 if there is no compensation paid for the advice or counsel.

365 Section 11. Section **58-61-308** is enacted to read:

366 **58-61-308. Scope of practice -- Limitations.**

367 (1) A psychologist may engage in all acts and practices defined as the practice of  
368 psychology without supervision, in private and independent practice, or as an employee of another

369 person, limited only by the licensee's education, training, and competence.

370 (2) To the extent an individual is professionally prepared by the education and training  
371 track completed while earning a doctor of psychology degree, a licensed psychology resident may  
372 engage in all acts and practices defined as the practice of psychology if the practice is:

373 (a) consistent with the licensee's education, clinical training, experience, and competence;  
374 and

375 (b) under supervision of a licensed psychologist.

376 Section 12. Section **58-61-502** is amended to read:

377 **58-61-502. Unprofessional conduct.**

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

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

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

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

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

386 (c) disclosing or refusing to disclose any confidential communication under Section  
387 58-61-602.

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

**Legislative Review Note**  
**as of 1-5-01 8:54 AM**

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

**Office of Legislative Research and General Counsel**