

Representative Judy Ann Buffmire proposes to substitute the following bill:

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

- 26 **58-60-405**, as last amended by Chapter 28, Laws of Utah 1995
- 27 **58-61-301**, as enacted by Chapter 32, Laws of Utah 1994
- 28 **58-61-304**, as last amended by Chapter 4, Laws of Utah 2000
- 29 **58-61-307**, as last amended by Chapter 224, Laws of Utah 2000
- 30 **58-61-501**, as enacted by Chapter 32, Laws of Utah 1994
- 31 **58-61-502**, as enacted by Chapter 32, Laws of Utah 1994

32 ENACTS:

- 33 **58-60-308**, Utah Code Annotated 1953
- 34 **58-60-407**, Utah Code Annotated 1953
- 35 **58-61-308**, Utah Code Annotated 1953

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

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

38 **58-60-103. Licensure required.**

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

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

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

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

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

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

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

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

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

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

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

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

64 **58-60-107. Exemptions from licensure.**

65 (1) Except as modified in Section 58-60-103, the exemptions from licensure in Section
66 58-1-307 apply to this chapter.

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

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

71 ~~[(a)]~~ (i) a physician and surgeon or osteopathic physician and surgeon licensed under [Title
72 58,] Chapter 67, Utah Medical Practice Act, or [Title 58,] Chapter 68, Utah Osteopathic Medical
73 Practice Act;

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

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

77 ~~[(2)]~~ (3) a recognized member of the clergy while functioning in his ministerial capacity
78 as long as he does not represent himself as or use the title of a license classification in Subsection
79 58-60-102(5);

80 ~~[(3)]~~ (4) an individual who is offering expert testimony in any proceeding before a court,
81 administrative hearing, deposition upon the order of any court or other body having power to order
82 the deposition, or proceedings before any master, referee, or alternative dispute resolution
83 provider;

84 ~~[(4)]~~ (5) an individual engaged in performing hypnosis who is not licensed under [Title
85 58, Occupations and Professions,] this title in a profession which includes hypnosis in its scope
86 of practice, and who:

87 (a) (i) induces a hypnotic state in a client for the purpose of increasing motivation or

88 altering lifestyles or habits, such as eating or smoking, through hypnosis;

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

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

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

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

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

96 (b) may not:

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

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

99 or

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

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

112 [~~(6)~~] (7) an individual holding an earned doctoral degree or master's degree in social work,
113 marriage and family therapy, or professional counseling, who is employed by an accredited
114 institution of higher education and who conducts research and teaches in that individual's
115 professional field, but only if the individual does not engage in providing or supervising
116 professional services regulated under this chapter to individuals or groups regardless of whether
117 there is compensation for the services;

118 [~~(7)~~] (8) an individual in an on-the-job training program approved by the division while

119 under the supervision of qualified persons;

120 [~~(8)~~] (9) an individual providing general education in the subjects of alcohol or drug use
121 or abuse, including prevention; and

122 [~~(9)~~] (10) an individual providing advice or counsel to another individual in a setting of
123 their association as friends or relatives and in a nonprofessional and noncommercial relationship,
124 if there is no compensation paid for the advice or counsel.

125 Section 3. Section **58-60-109** is amended to read:

126 **58-60-109. Unlawful conduct.**

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

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

130 (a) mental health therapy;

131 (b) clinical social work;

132 (c) certified social work;

133 (d) marriage and family therapy;

134 (e) professional counseling;

135 (f) practice as a social service worker; or

136 (g) licensed substance abuse counselor;

137 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
138 documented to the division his completion of the supervised training in mental health therapy

139 required under Subsection 58-61-304(1)(f); or

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

142 (a) psychiatrist;

143 (b) psychotherapist;

144 (c) registered psychiatric mental health nurse specialist;

145 (d) mental health therapist;

146 (e) clinical social worker;

147 (f) certified social worker;

148 (g) marriage and family therapist;

149 (h) professional counselor;

- 150 (i) clinical hypnotist;
- 151 (j) social service worker; [or]
- 152 (k) licensed substance abuse counselor[-];
- 153 (l) certified professional counselor intern; or
- 154 (m) certified marriage and family therapist intern.

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

156 **58-60-110. Unprofessional conduct.**

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

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

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

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

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

165 (c) disclosing or refusing to disclose any confidential communication under Section
166 58-60-114 or 58-60-509.

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

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

169 **58-60-304. License classification.**

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

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

173 (2) certified marriage and family therapist intern.

174 Section 6. Section **58-60-305** is amended to read:

175 **58-60-305. Qualifications for licensure.**

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

177 [~~1~~] (a) submit an application on a form provided by the division;

178 [~~2~~] (b) pay a fee determined by the department under Section 63-38-3.2;

179 [~~3~~] (c) be of good moral character;

180 [~~4~~] (d) produce certified transcripts evidencing completion of a masters or doctorate

181 degree in marriage and family therapy from:

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

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

186 ~~[(5)]~~ (e) have completed a minimum of 4,000 hours of marriage and family therapy
187 training as defined by division rule under Section 58-1-203, in not less than two years, under the
188 supervision of a marriage and family therapist supervisor who meets the requirements of Section
189 58-60-307, and obtained after completion of the education requirement in Subsection ~~[(4)]~~ (1)(d);

190 ~~[(6)]~~ (f) document successful completion of not less than 1,000 hours of supervised
191 training in mental health therapy obtained after completion of the education requirement described
192 in Subsection ~~[(4)(a) or (b)]~~ (1)(d)(i) or (1)(d)(ii), which training may be included as part of the
193 4,000 hours of training described in Subsection ~~[(5)]~~ (1)(e), and of which documented evidence
194 demonstrates not less than 100 of the supervised hours were obtained during direct, personal,
195 face-to-face supervision by a marriage and family therapist supervisor qualified under Section
196 58-60-307; and

197 ~~[(7)]~~ (g) pass the examination requirement established by division rule under Section
198 58-1-203.

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

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

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

210 **58-60-308. Scope of practice -- Limitations.**

211 (1) A licensed marriage and family therapist may engage in all acts and practices defined

212 as the practice of marriage and family therapy without supervision, in private and independent
213 practice, or as an employee of another person, limited only by the licensee's education, training,
214 and competence.

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

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

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

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

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

226 **58-60-404. License classification.**

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

229 (1) a professional counselor[-]; or

230 (2) a certified professional counselor intern.

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

232 **58-60-405. Qualifications for licensure.**

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

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

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

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

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

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

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

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

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

255 ~~[(7)]~~ (g) pass the examination requirement established by division rule under Section
256 58-1-203.

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

259 (b) An individual's certification as a professional counselor intern is limited to the period
260 of time necessary to complete clinical training as described in Subsections (1)(e) and (f) and
261 extends not more than one year from the date the minimum requirement for training is completed,
262 unless the individual presents satisfactory evidence to the division and the appropriate board that
263 the individual is making reasonable progress toward passing of the qualifying examination for that
264 profession or is otherwise on a course reasonably expected to lead to licensure, but the period of
265 time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised
266 clinical training requirement has been completed.

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

268 **58-60-407. Scope of practice -- Limitations.**

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

272 (2) (a) To the extent an individual has completed the educational requirements of
273 Subsections 58-60-308(1)(a) through (1)(d), a certified professional counseling intern may engage

274 in all acts and practices defined as the practice of professional counseling if the practice is:

275 (i) within the scope of employment as a certified professional counselor with a public
276 agency or private clinic as defined by division rule; and

277 (ii) under supervision of a qualified licensed mental health therapist as defined in
278 Subsection 58-60-405(5).

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

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

282 **58-61-301. Licensure required.**

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

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

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

291 (a) psychologist; or

292 (b) certified psychology resident.

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

294 **58-61-304. Qualifications for licensure by examination or endorsement.**

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

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

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

299 (c) be of good moral character;

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

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

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

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

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

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

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

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

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

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

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

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

335 (g) provide satisfactory evidence that:

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

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

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

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

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

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

355 **58-61-307. Exemptions from licensure.**

356 (1) Except as modified in Section 58-61-301, the exemptions from licensure in Section
357 58-1-307 apply to this chapter.

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

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

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

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

367 ~~[(2)]~~ (3) a recognized member of the clergy while functioning in his ministerial capacity
368 as long as he does not represent himself as or use the title of psychologist;

369 ~~[(3)]~~ (4) an individual who is offering expert testimony in any proceeding before a court,
370 administrative hearing, deposition upon the order of any court or other body having power to order
371 the deposition, or proceedings before any master, referee, or alternative dispute resolution
372 provider;

373 ~~[(4)]~~ (5) an individual engaged in performing hypnosis who is not licensed under ~~[Title~~
374 ~~58, Occupations and Professions,]~~ this title in a profession which includes hypnosis in its scope
375 of practice, and who:

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

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

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

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

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

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

385 (b) may not:

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

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

388 or

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

392 ~~[(5)]~~ (6) an individual's exemption from licensure under Subsection 58-1-307(1)(b) ~~[or (c)]~~
393 ~~while completing any supervised clinical training requirement for licensure as a psychologist~~
394 ~~extends not more than one year from the date the minimum requirement for training is completed,~~
395 ~~unless the individual presents satisfactory evidence to the division and the Psychologist Licensing~~
396 ~~Board that the individual is making reasonable progress toward passing the qualifying examination~~
397 ~~or is otherwise on a course reasonably expected to lead to licensure as a psychologist, but any~~

398 exemption under this subsection may not exceed two years past the date the minimum supervised
399 ~~clinical training requirement has been completed~~] terminates when the student's training is no
400 longer supervised by qualified faculty or staff and the activities are no longer a defined part of the
401 degree program;

402 [(6)] (7) an individual holding an earned doctoral degree in psychology who is employed
403 by an accredited institution of higher education and who conducts research and teaches in that
404 individual's professional field, but only if the individual does not engage in providing delivery or
405 supervision of professional services regulated under this chapter to individuals or groups regardless
406 of whether there is compensation for the services;

407 [(7)] (8) any individual who was employed as a psychologist by a state, county, or
408 municipal agency or other political subdivision of the state prior to July 1, 1981, and who
409 subsequently has maintained employment as a psychologist in the same state, county, or municipal
410 agency or other political subdivision while engaged in the performance of his official duties for
411 that agency or political subdivision; and

412 [(8)] (9) an individual licensed as a school psychologist under Section 53A-6-104:

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

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

417 [(9)] (10) an individual providing advice or counsel to another individual in a setting of
418 their association as friends or relatives and in a nonprofessional and noncommercial relationship,
419 if there is no compensation paid for the advice or counsel.

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

421 **58-61-308. Scope of practice -- Limitations.**

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

425 (2) An individual certified as a psychology resident may engage in all acts and practices
426 defined as the practice of psychology only under conditions of employment as a psychology
427 resident and under the supervision of a licensed psychologist who is an approved psychology
428 training supervisor as defined by division rule. A certified psychology resident shall not engage

429 in the independent practice of psychology.

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

431 **58-61-501. Unlawful conduct.**

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

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

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

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

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

441 **58-61-502. Unprofessional conduct.**

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

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

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

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

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

450 (c) disclosing or refusing to disclose any confidential communication under Section
451 58-61-602.

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