

1 **MENTAL HEALTH PROFESSIONAL PRACTICE**

2 **ACT AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lyle W. Hillyard**

6 House Sponsor: Ronda Rudd Menlove

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Mental Health Professional Practice Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ modifies requirements for licensure by endorsement;
- 15 ▶ provides that a license by endorsement that was valid immediately before the
- 16 passage of this bill continues to be valid;
- 17 ▶ amends the scope of practice provisions for a social service worker;
- 18 ▶ defines the term "program accredited by the Council on Social Work Education" to
- 19 include a program that was accredited, and a program that was in candidacy for
- 20 accreditation, on the day on which the applicant for licensure satisfactorily
- 21 completed the program;
- 22 ▶ modifies the qualifications for a social service worker license;
- 23 ▶ provides that a social service worker license that was valid immediately before the
- 24 passage of this bill continues to be valid;
- 25 ▶ establishes a continuing education requirement for a social service worker; and
- 26 ▶ makes technical changes.

27 **Monies Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **58-60-115**, as last amended by Laws of Utah 2009, Chapter 183

34 **58-60-202**, as enacted by Laws of Utah 1994, Chapter 32

35 **58-60-205**, as last amended by Laws of Utah 2009, Chapter 183

36 ENACTS:

37 **58-60-115.2**, Utah Code Annotated 1953

38 **58-60-205.5**, Utah Code Annotated 1953



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

41 Section 1. Section **58-60-115** is amended to read:

42 **58-60-115. License by endorsement.**

43 The division shall issue a license by endorsement under this chapter to a person who:

- 44 (1) submits an application on a form provided by the division;
- 45 (2) pays a fee determined by the department under Section 63J-1-504;
- 46 (3) provides documentation of current licensure in good standing in any state, district,
- 47 or territory of the United States to practice in the profession [in] for which licensure is being
- 48 sought;

49 ~~[(4) provides documentation of having been actively engaged in the legal practice of~~
50 ~~the person's profession, including, but not limited to, mental health therapy, for not less than~~
51 ~~4,000 hours during the three years immediately preceding the date of application for licensure~~
52 ~~in Utah;]~~

53 (4) provides documentation that the person has engaged in the lawful practice of the
54 profession for which licensure is sought for not less than 4,000 hours, of which 1,000 hours are
55 in mental health therapy;

56 (5) has passed the profession specific jurisprudence examination if required of a new
57 applicant; and

58 (6) is of good moral character and professional standing, and has no disciplinary action

59 pending or in effect against the applicant's license in any jurisdiction.

60 Section 2. Section **58-60-115.2** is enacted to read:

61 **58-60-115.2. Pre-existing license by endorsement.**

62 A person who, on May 11, 2010, has a valid license by endorsement under Section
63 58-60-115 that was granted before May 11, 2010, is considered to have met the requirements of
64 Subsection 58-60-115(4) if the person provides documentation that the person has engaged in:

65 (1) the lawful practice of the person's profession, including mental health therapy, for
66 not less than 4,000 hours during the three years immediately preceding the date of application
67 for licensure in Utah; or

68 (2) the lawful practice of the profession for which licensure is sought for not less than
69 4,000 hours, of which 1,000 hours are in mental health therapy.

70 Section 3. Section **58-60-202** is amended to read:

71 **58-60-202. Definitions.**

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

73 (1) "Board" means the Social Worker Licensing Board created in Section 58-60-203.

74 (2) (a) "Practice as a social service worker" means performance of general entry level
75 services under supervision of a mental health therapist through the application of social work
76 theory, methods, and ethics in order to enhance the social or psychosocial functioning of an
77 individual, a couple, a family, a group, or a community, including:

78 (i) conducting:

79 (A) a non-clinical psychosocial assessment; or

80 (B) a home study;

81 (ii) collaborative planning and goal setting;

82 (iii) ongoing case management;

83 (iv) progress monitoring;

84 (v) supportive counseling;

85 (vi) information gathering;

86 (vii) making referrals; and

87 (viii) engaging in advocacy.

88 (b) "Practice as a social service worker" does not include:

89 (i) diagnosing or treating mental illness; or

90 (ii) providing psychotherapeutic services to an individual, couple, family, group, or
91 community.

92 [~~(2)~~] (3) "Practice of clinical social work" includes:

93 (a) the practice of mental health therapy by observation, description, evaluation,
94 interpretation, intervention, and treatment to effect modification of behavior by the application
95 of generally recognized professional social work principles, methods, and procedures for the
96 purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the
97 symptoms of any of these, or maladaptive behavior;

98 (b) the application of generally recognized psychotherapeutic and social work
99 principles and practices requiring the education, training, and clinical experience of a clinical
100 social worker; and

101 (c) supervision of the practice of a certified social worker or social service worker as
102 the supervision is required under this chapter and as further defined by division rule.

103 [~~(3)~~] (4) "Practice of certified social work" includes:

104 (a) the supervised practice of mental health therapy by a clinical social worker by
105 observation, description, evaluation, interpretation, intervention, and treatment to effect
106 modification of behavior by the application of generally recognized professional social work
107 principles, methods, and procedures for the purpose of preventing, treating, or eliminating
108 mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive
109 behavior;

110 (b) the supervised or independent and unsupervised application of generally recognized
111 professional social work principles and practices requiring the education, training, and
112 experience of a certified social worker; and

113 (c) supervision of the practice of a social service worker as the supervision is required
114 under this chapter and as further defined by division rule.

115 [~~(4) "Practice as a social service worker":~~]

116 [~~(a) includes performance under supervision of a mental health therapist of~~
117 ~~professional services consistent with the education and training of a social service worker and~~
118 ~~the standards and ethics of the profession, including patient management activities;]~~

119 [~~(b) includes the supervised or unsupervised application of professional social work~~
120 ~~principles and practices and the practice of case management, which practices require only the~~

121 education, training, and experience of a social service worker and are conducted in accordance
122 with generally accepted standards and ethics of the profession; and]

123 [~~(c)~~ does not include engaging in the practice of mental health therapy with an
124 individual, family, group, or any other persons.]

125 (5) "Program accredited by the Council on Social Work Education" means a program
126 that:

127 (a) was accredited by the Council on Social Work Education on the day on which the
128 applicant for licensure satisfactorily completed the program; or

129 (b) was in candidacy for accreditation by the Council on Social Work Education on the
130 day on which the applicant for licensure satisfactorily completed the program.

131 [~~(5)~~ (6) "Supervision of a social service worker" means supervision conducted by an
132 individual licensed as a mental health therapist under this title in accordance with division rules
133 made in collaboration with the board.

134 Section 4. Section **58-60-205** is amended to read:

135 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
136 **certified social worker, and social service worker.**

137 (1) An applicant for licensure as a clinical social worker shall:

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

139 (b) pay a fee determined by the department under Section 63J-1-504;

140 (c) be of good moral character;

141 (d) produce certified transcripts from an accredited institution of higher education
142 recognized by the division in collaboration with the board verifying satisfactory completion of
143 an education and earned degree as follows:

144 (i) an earned master's degree in social work resulting from completion of an education
145 program accredited by the Council on Social Work Education; or

146 (ii) an earned doctoral degree in social work that results from successful completion of
147 a clinical concentration and practicum approved by the division and defined by rule under
148 Section 58-1-203;

149 (e) have completed a minimum of 4,000 hours of clinical social work training as
150 defined by division rule under Section 58-1-203 in not less than two years and under the
151 supervision of a clinical social worker supervisor approved by the division in collaboration

152 with the board;

153 (f) document successful completion of not less than 1,000 hours of supervised training
154 in mental health therapy obtained after completion of the education requirement in Subsection
155 (1)(d), which training may be included as part of the 4,000 hours of training in Subsection
156 (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were
157 obtained under the direct personal face to face supervision of a clinical social worker approved
158 by the division in collaboration with the board;

159 (g) have completed a case work, group work, or family treatment course sequence with
160 a clinical practicum in content as defined by rule under Section 58-1-203; and

161 (h) pass the examination requirement established by rule under Section 58-1-203.

162 (2) An applicant for licensure as a certified social worker shall:

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

164 (b) pay a fee determined by the department under Section 63J-1-504;

165 (c) be of good moral character;

166 (d) produce certified transcripts from an accredited institution of higher education
167 recognized by the division in collaboration with the Social Worker Licensing Board verifying
168 satisfactory completion of an education and an earned degree as follows:

169 (i) a social work education program accredited by the Council on Social Work
170 Education and an earned master's degree resulting from completion of that program; or

171 (ii) an education program that contains approved clinical social work concentration and
172 practicum in content as defined by rule under Section 58-1-203 and an earned doctorate
173 resulting from completion of that program; and

174 (e) pass the examination requirement established by rule under Section 58-1-203.

175 (3) (a) An applicant for certification as a certified social worker intern shall meet the
176 requirements of Subsections (2)(a), (b), (c), and (d).

177 (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the
178 examination required under Subsection (2)(e) or six months, whichever occurs first.

179 (c) A certified social worker intern may provide mental health therapy under the
180 general supervision of a clinical social worker.

181 (4) An applicant for licensure as a social service worker shall:

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

183 (b) pay a fee determined by the department under Section 63J-1-504;

184 (c) be of good moral character;

185 (d) produce certified transcripts from an accredited institution of higher education
186 recognized by the division in collaboration with the Social Worker Licensing Board verifying
187 satisfactory completion of an earned degree resulting from education as follows:

188 (i) a bachelor's degree in a social work program accredited by the Council on Social
189 Work Education;

190 (ii) a master's degree in a field approved by the division in collaboration with the social
191 worker board;

192 ~~§→ [(iii) a bachelor's degree in sociology, psychology, family sciences, or other field~~
193 ~~approved by the division in collaboration with the Social Worker Licensing Board and also~~
194 ~~documentation of 2,000 hours of supervised social work activity approved by the division in~~
195 ~~collaboration with the board, which is performed after completing bachelor's degree~~
196 ~~requirements under this Subsection (4);] ←§~~

197 [(iv) a bachelor's degree in any field, if the applicant has completed:]

198 [(A) the equivalent of three credit hours of course work or other approved training in
199 full-life human growth behavior, abnormal psychology, social work values and ethics, social
200 welfare, or social welfare policy;]

201 ~~§→ [(iv)] (iii) ←§~~ a bachelor's degree in any field if the applicant:

202 (A) except as provided in Subsection 58-60-205.2(2), has completed at least three

203 ~~§→~~ [credit] semester hours or four quarter ←§ hours in each of the following areas:

204 (I) social welfare policy;

205 (II) human growth and development; and

206 (III) social work practice methods §→ , as defined by rule ←§ ; §→ and

207 ~~[(B) an approved social work practice methods course; and~~

208 ~~— (C) one year of] (B) provides documentation that the applicant has completed at least~~

208a 2,000 hours of ←§ qualifying experience under the supervision of a [~~icensed-certified or~~
209 ~~clinical social worker]~~ mental health therapist, which experience is approved by the division in
210 collaboration with the Social Worker Licensing Board, and which is performed after
211 completion of the requirements to obtain the bachelor's degree required under this Subsection
212 (4); or

213 ~~§→ [(v)] (iv) ←§~~ successful completion of the first academic year of a Council on Social
213a Work

214 Education approved master's of social work curriculum and practicum; and
215 (e) pass the examination requirement established by rule under Section 58-1-203.

216 Section 5. Section **58-60-205.5** is enacted to read:

217 **58-60-205.5. Continuing education.**

218 As a condition for renewal of a license under this part, a social service worker licensee
219 shall, during each two-year licensure cycle, complete ~~§~~ → [20 hours of] ← ~~§~~ qualified continuing
220 professional education, as defined by rule made in accordance with Title 63G, Chapter 3, Utah
221 Administrative Rulemaking Act.

Legislative Review Note
as of 1-11-10 10:11 AM

Office of Legislative Research and General Counsel

S.B. 90 - Mental Health Professional Practice Act Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Licensees may experience increased costs associated with the required continuing education. Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.
