

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

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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) 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 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;
- 207 (B) an approved social work practice methods course; and
- 208 (C) one year of qualifying experience under the supervision of a ~~[licensed 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) successful completion of the first academic year of a Council on Social 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.

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

**Office of Legislative Research and General Counsel**



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

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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