

Senator Lyle W. Hillyard proposes the following substitute bill:

MENTAL HEALTH PROFESSIONAL PRACTICE

ACT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Ronda Rudd Menlove

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies requirements for licensure by endorsement;
- ▶ provides that a license by endorsement that was valid immediately before the passage of this bill continues to be valid;
- ▶ amends the scope of practice provisions for a social service worker;
- ▶ defines the term "program accredited by the Council on Social Work Education" to include a program that was accredited, and a program that was in candidacy for accreditation, on the day on which the applicant for licensure satisfactorily completed the program;
- ▶ modifies the membership of the Social Worker Licensing Board;
- ▶ modifies the qualifications for a social service worker license;
- ▶ provides that a social service worker license that was valid immediately before the passage of this bill continues to be valid;



- 26 ▶ establishes a continuing education requirement for a social service worker;
- 27 ▶ modifies qualifications for admission to examination under the Social Worker
- 28 Licensing Act;
- 29 ▶ changes the classification of "certified marriage and family therapist intern" to
- 30 "associate marriage and family therapist";
- 31 ▶ modifies license qualification requirements under the Substance Abuse Practice
- 32 Act; and
- 33 ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **58-60-115**, as last amended by Laws of Utah 2009, Chapter 183
- 41 **58-60-202**, as enacted by Laws of Utah 1994, Chapter 32
- 42 **58-60-203**, as enacted by Laws of Utah 1994, Chapter 32
- 43 **58-60-205**, as last amended by Laws of Utah 2009, Chapter 183
- 44 **58-60-206**, as enacted by Laws of Utah 1994, Chapter 32
- 45 **58-60-304**, as last amended by Laws of Utah 2001, Chapter 281
- 46 **58-60-305**, as last amended by Laws of Utah 2009, Chapter 183
- 47 **58-60-308**, as last amended by Laws of Utah 2009, Chapter 183
- 48 **58-60-506**, as last amended by Laws of Utah 2009, Chapter 183

49 ENACTS:

- 50 **58-60-115.2**, Utah Code Annotated 1953
- 51 **58-60-205.5**, Utah Code Annotated 1953



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

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

55 **58-60-115. License by endorsement.**

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

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

62 ~~[(4) provides documentation of having been actively engaged in the legal practice of~~
63 ~~the person's profession, including, but not limited to, mental health therapy, for not less than~~
64 ~~4,000 hours during the three years immediately preceding the date of application for licensure~~
65 ~~in Utah;]~~

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

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

71 (6) is of good moral character and professional standing, and has no disciplinary action
72 pending or in effect against the applicant's license in any jurisdiction.

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

74 **58-60-115.2. Pre-existing license by endorsement.**

75 A person who, on May 11, 2010, has a valid license by endorsement under Section
76 58-60-115 that was granted before May 11, 2010, is considered to have met the requirements of
77 Subsection 58-60-115(4) if the person provides documentation that the person has engaged in:

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

81 (2) the lawful practice of the profession for which licensure is sought for not less than
82 4,000 hours, of which 1,000 hours are in mental health therapy.

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

84 **58-60-202. Definitions.**

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

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

87 (2) (a) "Practice as a social service worker" means performance of general entry level

88 services under general supervision of a mental health therapist through the application of social
89 work theory, methods, and ethics in order to enhance the social or psychosocial functioning of
90 an individual, a couple, a family, a group, or a community, including:

- 91 (i) conducting:
- 92 (A) a non-clinical psychosocial assessment; or
- 93 (B) a home study;
- 94 (ii) collaborative planning and goal setting;
- 95 (iii) ongoing case management;
- 96 (iv) progress monitoring;
- 97 (v) supportive counseling;
- 98 (vi) information gathering;
- 99 (vii) making referrals; and
- 100 (viii) engaging in advocacy.

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

- 102 (i) diagnosing or treating mental illness; or
- 103 (ii) providing psychotherapeutic services to an individual, couple, family, group, or
104 community.

105 [~~2~~] (3) "Practice of clinical social work" includes:

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

111 (b) the application of generally recognized psychotherapeutic and social work
112 principles and practices requiring the education, training, and clinical experience of a clinical
113 social worker; and

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

116 [~~3~~] (4) "Practice of certified social work" includes:

117 (a) the supervised practice of mental health therapy by a clinical social worker by
118 observation, description, evaluation, interpretation, intervention, and treatment to effect

119 modification of behavior by the application of generally recognized professional social work
120 principles, methods, and procedures for the purpose of preventing, treating, or eliminating
121 mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive
122 behavior;

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

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

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

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

132 [~~(b) includes the supervised or unsupervised application of professional social work
133 principles and practices and the practice of case management, which practices require only the
134 education, training, and experience of a social service worker and are conducted in accordance
135 with generally accepted standards and ethics of the profession; and]~~

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

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

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

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

144 [~~(5)] (6) "Supervision of a social service worker" means supervision conducted by an
145 individual licensed as a mental health therapist under this title in accordance with division rules
146 made in collaboration with the board.~~

147 Section 4. Section **58-60-203** is amended to read:

148 **58-60-203. Board.**

149 (1) There is created the Social Worker Licensing Board consisting of [~~two~~] one

150 certified social [~~workers, two~~] worker, three clinical social workers, two social service workers,
151 and one member from the general public.

152 (2) The board shall be appointed, serve terms, and be compensated in accordance with
153 Section 58-1-201.

154 (3) The duties and responsibilities of the board are under Sections 58-1-202 and
155 58-1-203. In addition, the board shall:

156 (a) designate one of its members on a permanent or rotating basis to assist the division
157 in review of complaints concerning unlawful or unprofessional practice by a licensee in any
158 profession regulated by the board and to advise the division regarding the conduct of
159 investigations of the complaints; and

160 (b) disqualify any member from acting as presiding officer in any administrative
161 procedure in which that member has previously reviewed the complaint or advised the division.

162 Section 5. Section **58-60-205** is amended to read:

163 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
164 **certified social worker, and social service worker.**

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

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

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

168 (c) be of good moral character;

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

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

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

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

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

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

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

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

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

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

193 (c) be of good moral character;

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

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

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

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

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

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

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

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

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

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

212 (c) be of good moral character;
213 (d) produce certified transcripts from an accredited institution of higher education
214 recognized by the division in collaboration with the Social Worker Licensing Board verifying
215 satisfactory completion of an earned degree resulting from education as follows:

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

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

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

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

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

229 (iii) a bachelor's degree in any field if the applicant:

230 (A) except as provided in Subsection 58-60-205.2(2), has completed at least three
231 semester hours, or the equivalent, in each of the following areas:

232 (I) social welfare policy;

233 (II) human growth and development; and

234 (III) social work practice methods, as defined by rule; and

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

236 ~~[(C) one year of]~~ (B) provides documentation that the applicant has completed at least
237 2,000 hours of qualifying experience under the supervision of a [licensed certified or clinical
238 social worker] mental health therapist, which experience is approved by the division in
239 collaboration with the Social Worker Licensing Board, and which is performed after
240 completion of the requirements to obtain the bachelor's degree required under this Subsection
241 (4); or

242 ~~[(v)]~~ (iv) successful completion of the first academic year of a Council on Social Work

243 Education approved master's of social work curriculum and practicum; and

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

245 Section 6. Section **58-60-205.5** is enacted to read:

246 **58-60-205.5. Continuing education.**

247 As a condition for renewal of a license under this part, a social service worker licensee
248 shall, during each two-year licensure cycle, complete qualified continuing professional
249 education, as defined by rule made in accordance with Title 63G, Chapter 3, Utah
250 Administrative Rulemaking Act.

251 Section 7. Section **58-60-206** is amended to read:

252 **58-60-206. Qualifications for admission to examination.**

253 All applicants for admission to any examination qualifying an individual for licensure
254 under this part shall, before taking the examination:

255 (1) submit an application for examination and licensure on a form provided by the
256 division;

257 (2) pay the fee established for the examination; and

258 (3) certify under penalty of perjury as evidenced by notarized signature on the
259 application for [~~admission to the~~] examination and licensure that the applicant:

260 (a) has completed the education requirement and been awarded the earned degree
261 required for licensure[-]; or

262 (b) has only one semester, or the equivalent, remaining before the applicant completes
263 the education requirement for earning the degree that is required for licensure.

264 Section 8. Section **58-60-304** is amended to read:

265 **58-60-304. License classifications.**

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

268 (1) marriage and family therapist; or

269 (2) [~~certified~~] associate marriage and family therapist [~~intern~~].

270 Section 9. Section **58-60-305** is amended to read:

271 **58-60-305. Qualifications for licensure.**

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

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

- 274 (b) pay a fee determined by the department under Section 63J-1-504;
- 275 (c) be of good moral character;
- 276 (d) produce certified transcripts evidencing completion of a masters or doctorate degree
- 277 in marriage and family therapy from:
- 278 (i) a program accredited by the Commission on Accreditation for Marriage and Family
- 279 Therapy Education; or
- 280 (ii) an accredited institution meeting criteria for approval established by rule under
- 281 Section 58-1-203;
- 282 (e) have completed a minimum of 4,000 hours of marriage and family therapy training
- 283 as defined by division rule under Section 58-1-203, in not less than two years, under the
- 284 supervision of a marriage and family therapist supervisor who meets the requirements of
- 285 Section 58-60-307, and obtained after completion of the education requirement in Subsection
- 286 (1)(d);
- 287 (f) document successful completion of not less than 1,000 hours of supervised training
- 288 in mental health therapy obtained after completion of the education requirement described in
- 289 Subsection (1)(d)(i) or (1)(d)(ii), which training may be included as part of the 4,000 hours of
- 290 training described in Subsection (1)(e), and of which documented evidence demonstrates not
- 291 less than 100 of the supervised hours were obtained during direct, personal, face-to-face
- 292 supervision by a marriage and family therapist supervisor qualified under Section 58-60-307;
- 293 and
- 294 (g) pass the examination requirement established by division rule under Section
- 295 58-1-203.
- 296 (2) (a) All applicants for [~~certification as a~~ licensure as an associate marriage and
- 297 family therapist [~~intern~~] shall comply with the provisions of Subsections (1)(a), (b), (c), and
- 298 (d).
- 299 (b) An individual's [~~certification as a~~ license as an associate marriage and family
- 300 therapist [~~intern~~] is limited to the period of time necessary to complete clinical training as
- 301 described in Subsections (1)(e) and (f) and extends not more than one year from the date the
- 302 minimum requirement for training is completed, unless the individual presents satisfactory
- 303 evidence to the division and the appropriate board that the individual is making reasonable
- 304 progress toward passing of the qualifying examination for that profession or is otherwise on a

305 course reasonably expected to lead to licensure, but the period of time under this Subsection
306 (2)(b) may not exceed two years past the date the minimum supervised clinical training
307 requirement has been completed.

308 Section 10. Section **58-60-308** is amended to read:

309 **58-60-308. Scope of practice -- Limitations.**

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

314 (2) (a) To the extent an individual has completed the educational requirements of
315 Subsection 58-60-305(1)(d), a [~~certified~~] licensed associate marriage and family therapist
316 [~~intern~~] may engage in all acts and practices defined as the practice of marriage and family
317 therapy if the practice is:

318 (i) within the scope of employment as [~~a certified~~] a licensed associate marriage and
319 family therapist [~~intern~~] with a public agency or a private clinic as defined by division rule; and

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

322 (b) A [~~certified~~] licensed associate marriage and family [~~therapy intern~~] therapist may
323 not engage in the independent practice of marriage and family therapy.

324 Section 11. Section **58-60-506** is amended to read:

325 **58-60-506. Qualifications for licensure on and after July 1, 2007.**

326 (1) An applicant for licensure under this part on and after July 1, 2007, must meet the
327 following qualifications:

328 (a) submit an application in a form prescribed by the division;

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

330 (c) be of good moral character;

331 (d) satisfy the requirements of Subsection (2), (3), (4), or (5) respectively; and

332 (e) except for licensure as a certified substance abuse counselor intern, satisfy the
333 examination requirement established by rule under Section 58-1-203.

334 (2) An applicant for licensure as a licensed substance abuse counselor shall [~~meet one~~
335 ~~of the following~~]:

- 336 (a) [~~The applicant shall~~] produce:
- 337 (i) certified transcripts from an accredited institution of higher education meeting
- 338 standards established by the division by rule in collaboration with the board verifying
- 339 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;
- 340 (ii) documentation of the applicant's completion of a substance abuse education
- 341 program; and
- 342 (iii) documentation of the applicant's completion of 2,000 hours of supervised
- 343 experience in substance abuse treatment:
- 344 (A) meeting standards established by the division in collaboration with the board; and
- 345 (B) performed within a two-year period after the applicant's completion of the
- 346 substance abuse education program described in Subsection (2)(a)(ii)[:], unless the time for
- 347 performance is extended, due to an extenuating circumstance, by the division, after
- 348 consultation with the board;
- 349 (b) [~~The applicant shall~~] produce:
- 350 (i) certified transcripts from an accredited institution meeting standards established by
- 351 the division by rule in collaboration with the board verifying satisfactory completion of a
- 352 baccalaureate or graduate degree or a high school diploma or equivalent;
- 353 (ii) documentation of the applicant's completion of a substance abuse education
- 354 program; and
- 355 (iii) documentation of the applicant's completion of 4,000 hours of supervised
- 356 experience in substance abuse treatment:
- 357 (A) meeting standards established by the division in collaboration with the board; and
- 358 (B) performed within a four-year period after the applicant's completion of the
- 359 substance abuse education program described in Subsection (2)(b)(ii)[:], unless the time for
- 360 performance is extended, due to an extenuating circumstance, by the division, after
- 361 consultation with the board;
- 362 (c) [~~Before~~] before January 1, 2009, [~~the applicant shall~~] produce:
- 363 (i) certified transcripts from an accredited institution of higher education meeting
- 364 standards established by the division by rule in collaboration with the board verifying
- 365 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;
- 366 and

- 367 (ii) documentation of the applicant's completion of 4,000 hours of supervised
368 experience in substance abuse treatment:
- 369 (A) meeting standards established by the division in collaboration with the board; and
370 (B) performed within a four-year period~~[-]; or~~
- 371 (d) ~~[Before]~~ before January 1, 2009, ~~[the applicant shall]~~ produce:
- 372 (i) certified transcripts from an accredited institution meeting standards established by
373 the division by rule in collaboration with the board verifying satisfactory completion of a
374 baccalaureate or graduate degree or a high school diploma or equivalent; and
- 375 (ii) documentation of the applicant's completion of 6,000 hours of supervised
376 experience in substance abuse treatment:
- 377 (A) meeting standards established by the division in collaboration with the board; and
378 (B) performed within a six-year period.
- 379 (3) An applicant for licensure as a certified substance abuse counselor shall ~~[meet one~~
380 ~~of the following]~~:
- 381 (a) ~~[The applicant shall]~~ produce:
- 382 (i) certified transcripts from an accredited institution of higher education meeting
383 standards established by the division by rule in collaboration with the board verifying
384 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;
385 and
- 386 (ii) documentation of the applicant's completion of a substance abuse education
387 program~~[-];~~
- 388 (b) ~~[The applicant shall]~~ produce:
- 389 (i) certified transcripts from an accredited institution meeting standards established by
390 the division by rule in collaboration with the board verifying satisfactory completion of a
391 baccalaureate or graduate degree or a high school diploma or equivalent; and
- 392 (ii) documentation of the applicant's completion of a substance abuse education
393 program~~[-];~~
- 394 (c) ~~[Before]~~ before January 1, 2009, ~~[the applicant shall]~~ produce certified transcripts
395 from an accredited institution of higher education meeting standards established by the division
396 by rule in collaboration with the board verifying satisfactory completion of a baccalaureate or
397 graduate degree in behavioral or social sciences~~[-]; or~~

398 (d) [~~Before~~ before January 1, 2009, [~~the applicant shall~~] produce certified transcripts
399 from an accredited institution meeting standards established by the division by rule in
400 collaboration with the board verifying satisfactory completion of a baccalaureate or graduate
401 degree or a high school diploma or equivalent.

402 (4) (a) An applicant for licensure as a certified substance abuse counselor intern shall
403 meet the requirements for licensure as a certified substance abuse counselor under Subsection
404 (3).

405 (b) A certified substance abuse counselor intern license expires at the earlier of:

406 (i) the licensee passing the examination required for licensure as a certified substance
407 abuse counselor; or

408 (ii) six months after the certified substance abuse counselor intern license is issued.

409 (5) (a) An applicant for licensure as a certified substance abuse counselor extern shall
410 meet the requirements of Subsection (2)(a)(iii) or (2)(b)(iii).

411 (b) A certified substance abuse counselor extern license is valid for two years from the
412 day on which it is issued or until January 1, 2010, whichever comes first.

413 (c) A certified substance abuse counselor extern whose license expires before the
414 licensee completes a substance abuse education program under Subsection (2)(a)(ii) or
415 (2)(b)(ii) may not practice under this part until the licensee meets the requirements of
416 Subsection (2) or (3).

Fiscal Note**S.B. 90 1st Sub. (Green) - Mental Health Professional Practice Act
Amendments**

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.
