

Representative Ronda Rudd Menlove 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 ▶ changes the classification of "certified professional counselor intern" to "associate
- 32 professional counselor";
- 33 ▶ modifies license qualification requirements and supervision requirements under the
- 34 Substance Abuse Practice Act; and
- 35 ▶ makes technical changes.

36 Monies Appropriated in this Bill:

37 None

38 Other Special Clauses:

39 None

40 Utah Code Sections Affected:

41 AMENDS:

42 **58-60-109**, as last amended by Laws of Utah 2001, Chapter 281

43 **58-60-115**, as last amended by Laws of Utah 2009, Chapter 183

44 **58-60-202**, as enacted by Laws of Utah 1994, Chapter 32

45 **58-60-203**, as enacted by Laws of Utah 1994, Chapter 32

46 **58-60-205**, as last amended by Laws of Utah 2009, Chapter 183

47 **58-60-206**, as enacted by Laws of Utah 1994, Chapter 32

48 **58-60-304**, as last amended by Laws of Utah 2001, Chapter 281

49 **58-60-305**, as last amended by Laws of Utah 2009, Chapter 183

50 **58-60-308**, as last amended by Laws of Utah 2009, Chapter 183

51 **58-60-404**, as last amended by Laws of Utah 2001, Chapter 281

52 **58-60-405**, as last amended by Laws of Utah 2009, Chapter 183

53 **58-60-407**, as last amended by Laws of Utah 2009, Chapter 183

54 **58-60-506**, as last amended by Laws of Utah 2009, Chapter 183

55 **58-60-508**, as last amended by Laws of Utah 2007, Chapter 283

56 ENACTS:

57 **58-60-115.2**, Utah Code Annotated 1953

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



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

61 Section 1. Section **58-60-109** is amended to read:

62 **58-60-109. Unlawful conduct.**

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

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

- 66 (a) mental health therapy;
- 67 (b) clinical social work;
- 68 (c) certified social work;
- 69 (d) marriage and family therapy;
- 70 (e) professional counseling;
- 71 (f) practice as a social service worker; or
- 72 (g) licensed substance abuse counselor;

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

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

- 78 (a) psychiatrist;
- 79 (b) psychotherapist;
- 80 (c) registered psychiatric mental health nurse specialist;
- 81 (d) mental health therapist;
- 82 (e) clinical social worker;
- 83 (f) certified social worker;
- 84 (g) marriage and family therapist;
- 85 (h) professional counselor;
- 86 (i) clinical hypnotist;
- 87 (j) social service worker;

- 88 (k) licensed substance abuse counselor;
- 89 (l) ~~[certified]~~ associate professional counselor ~~[intern]~~; or
- 90 (m) ~~[certified]~~ associate marriage and family therapist ~~[intern]~~.

91 Section 2. Section **58-60-115** is amended to read:

92 **58-60-115. License by endorsement.**

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

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

99 ~~[(4) provides documentation of having been actively engaged in the legal practice of~~
100 ~~the person's profession, including, but not limited to, mental health therapy, for not less than~~
101 ~~4,000 hours during the three years immediately preceding the date of application for licensure~~
102 ~~in Utah;]~~

103 (4) except as provided in Subsection (5), provides documentation that the person has
104 engaged in the lawful practice of the profession for which licensure is sought for not less than
105 4,000 hours, of which 1,000 hours are in mental health therapy;

106 (5) if the person is applying for a license to practice as a licensed substance abuse
107 counselor, provides documentation that the person has:

- 108 (a) engaged in the lawful practice of the profession for not less than 4,000 hours; and
- 109 (b) has passed an examination approved by the division, by rule, to establish
110 proficiency in the profession;

111 ~~[(5)]~~ (6) has passed the profession specific jurisprudence examination if required of a
112 new applicant; and

113 ~~[(6)]~~ (7) is of good moral character and professional standing, and has no disciplinary
114 action pending or in effect against the applicant's license in any jurisdiction.

115 Section 3. Section **58-60-115.2** is enacted to read:

116 **58-60-115.2. Pre-existing license by endorsement.**

117 A person who, on May 11, 2010, has a valid license by endorsement under Section
118 58-60-115 that was granted before May 11, 2010, is considered to have met the requirements of

119 Subsection 58-60-115(4) if the person provides documentation that the person has engaged in:

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

123 (2) the lawful practice of the profession for which licensure is sought for not less than
124 4,000 hours, of which 1,000 hours are in mental health therapy.

125 Section 4. Section **58-60-202** is amended to read:

126 **58-60-202. Definitions.**

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

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

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

133 (i) conducting:

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

135 (B) a home study;

136 (ii) collaborative planning and goal setting;

137 (iii) ongoing case management;

138 (iv) progress monitoring;

139 (v) supportive counseling;

140 (vi) information gathering;

141 (vii) making referrals; and

142 (viii) engaging in advocacy.

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

144 (i) diagnosing or treating mental illness; or

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

147 [~~2~~] (3) "Practice of clinical social work" includes:

148 (a) the practice of mental health therapy by observation, description, evaluation,
149 interpretation, intervention, and treatment to effect modification of behavior by the application

150 of generally recognized professional social work principles, methods, and procedures for the
151 purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the
152 symptoms of any of these, or maladaptive behavior;

153 (b) the application of generally recognized psychotherapeutic and social work
154 principles and practices requiring the education, training, and clinical experience of a clinical
155 social worker; and

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

158 [~~(3)~~] (4) "Practice of certified social work" includes:

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

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

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

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

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

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

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

180 (5) "Program accredited by the Council on Social Work Education" means a program

181 that:

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

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

186 [~~5~~] (6) "Supervision of a social service worker" means supervision conducted by an
187 individual licensed as a mental health therapist under this title in accordance with division rules
188 made in collaboration with the board.

189 Section 5. Section **58-60-203** is amended to read:

190 **58-60-203. Board.**

191 (1) There is created the Social Worker Licensing Board consisting of [~~two~~] one
192 certified social [~~workers, two~~] worker, three clinical social workers, two social service workers,
193 and one member from the general public.

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

196 (3) The duties and responsibilities of the board are under Sections 58-1-202 and
197 58-1-203. In addition, the board shall:

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

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

204 Section 6. Section **58-60-205** is amended to read:

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

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

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

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

210 (c) be of good moral character;

211 (d) produce certified transcripts from an accredited institution of higher education

212 recognized by the division in collaboration with the board verifying satisfactory completion of
213 an education and earned degree as follows:

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

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

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

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

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

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

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

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

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

235 (c) be of good moral character;

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

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

241 (ii) an education program that contains approved clinical social work concentration and
242 practicum in content as defined by rule under Section 58-1-203 and an earned doctorate

243 resulting from completion of that program; and

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

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

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

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

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

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

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

254 (c) be of good moral character;

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

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

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

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

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

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

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

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

274 (I) social welfare policy;
 275 (II) human growth and development; and
 276 (III) social work practice methods, as defined by rule; and
 277 ~~[(B) an approved social work practice methods course; and]~~
 278 ~~[(C) one year of]~~ (B) provides documentation that the applicant has completed at least
 279 2,000 hours of qualifying experience under the supervision of a ~~[licensed certified or clinical~~
 280 ~~social worker]~~ mental health therapist, which experience is approved by the division in
 281 collaboration with the Social Worker Licensing Board, and which is performed after
 282 completion of the requirements to obtain the bachelor's degree required under this Subsection
 283 (4); or

284 ~~[(v)]~~ (iv) successful completion of the first academic year of a Council on Social Work
 285 Education approved master's of social work curriculum and practicum; and
 286 (e) pass the examination requirement established by rule under Section 58-1-203.
 287 Section 7. Section **58-60-205.5** is enacted to read:

288 **58-60-205.5. Continuing education.**

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

293 Section 8. Section **58-60-206** is amended to read:

294 **58-60-206. Qualifications for admission to examination.**

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

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

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

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

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

304 (b) has only one semester, or the equivalent, remaining before the applicant completes

305 the education requirement for earning the degree that is required for licensure.

306 Section 9. Section **58-60-304** is amended to read:

307 **58-60-304. License classifications.**

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

310 (1) marriage and family therapist; or

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

312 Section 10. Section **58-60-305** is amended to read:

313 **58-60-305. Qualifications for licensure.**

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

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

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

317 (c) be of good moral character;

318 (d) produce certified transcripts evidencing completion of a masters or doctorate degree
319 in marriage and family therapy from:

320 (i) a program accredited by the Commission on Accreditation for Marriage and Family
321 Therapy Education; or

322 (ii) an accredited institution meeting criteria for approval established by rule under
323 Section 58-1-203;

324 (e) have completed a minimum of 4,000 hours of marriage and family therapy training
325 as defined by division rule under Section 58-1-203, in not less than two years, under the
326 supervision of a marriage and family therapist supervisor who meets the requirements of
327 Section 58-60-307, and obtained after completion of the education requirement in Subsection
328 (1)(d);

329 (f) document successful completion of not less than 1,000 hours of supervised training
330 in mental health therapy obtained after completion of the education requirement described in
331 Subsection (1)(d)(i) or (1)(d)(ii), which training may be included as part of the 4,000 hours of
332 training described in Subsection (1)(e), and of which documented evidence demonstrates not
333 less than 100 of the supervised hours were obtained during direct, personal, face-to-face
334 supervision by a marriage and family therapist supervisor qualified under Section 58-60-307;
335 and

336 (g) pass the examination requirement established by division rule under Section
337 58-1-203.

338 (2) (a) All applicants for [~~certification as a~~] licensure as an associate marriage and
339 family therapist [~~intern~~] shall comply with the provisions of Subsections (1)(a), (b), (c), and
340 (d).

341 (b) An individual's [~~certification as a~~] license as an associate marriage and family
342 therapist [~~intern~~] is limited to the period of time necessary to complete clinical training as
343 described in Subsections (1)(e) and (f) and extends not more than one year from the date the
344 minimum requirement for training is completed, unless the individual presents satisfactory
345 evidence to the division and the appropriate board that the individual is making reasonable
346 progress toward passing of the qualifying examination for that profession or is otherwise on a
347 course reasonably expected to lead to licensure, but the period of time under this Subsection
348 (2)(b) may not exceed two years past the date the minimum supervised clinical training
349 requirement has been completed.

350 Section 11. Section **58-60-308** is amended to read:

351 **58-60-308. Scope of practice -- Limitations.**

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

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

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

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

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

366 Section 12. Section **58-60-404** is amended to read:

367 **58-60-404. License classifications.**

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

- 370 (1) a professional counselor; or
- 371 (2) [~~a-certified~~] an associate professional counselor [~~intern~~].

372 Section 13. Section **58-60-405** is amended to read:

373 **58-60-405. Qualifications for licensure.**

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

- 375 (a) submit an application on a form provided by the division;
- 376 (b) pay a fee determined by the department under Section 63J-1-504;
- 377 (c) be of good moral character;
- 378 (d) produce certified transcripts from an accredited institution of higher education
379 recognized by the division in collaboration with the board verifying satisfactory completion of:
 - 380 (i) an education and degree in an education program in counseling with a core
381 curriculum defined by division rule under Section 58-1-203 preparing one to competently
382 engage in mental health therapy; and
 - 383 (ii) an earned doctoral or master's degree resulting from that education program;
- 384 (e) have completed a minimum of 4,000 hours of professional counselor training as
385 defined by division rule under Section 58-1-203, in not less than two years, under the
386 supervision of a professional counselor, psychiatrist, psychologist, clinical social worker,
387 registered psychiatric mental health nurse specialist, or marriage and family therapist
388 supervisor approved by the division in collaboration with the board, and obtained after
389 completion of the education requirement in Subsection (1)(d);
- 390 (f) document successful completion of not less than 1,000 hours of supervised training
391 in mental health therapy obtained after completion of the education requirement in Subsection
392 (1)(d), which training may be included as part of the 4,000 hours of training in Subsection
393 (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were
394 obtained under the direct personal face to face supervision of a mental health therapist
395 approved by the division in collaboration with the board; and
- 396 (g) pass the examination requirement established by division rule under Section
397 58-1-203.

398 (2) (a) All applicants for [~~certification as a~~] licensure as an associate professional
399 counselor [~~intern~~] shall comply with the provisions of Subsections (1)(a), (b), (c), and (d).

400 (b) An individual's [~~certification as a~~] licensure as an associate professional counselor
401 [~~intern~~] is limited to the period of time necessary to complete clinical training as described in
402 Subsections (1)(e) and (f) and extends not more than one year from the date the minimum
403 requirement for training is completed, unless the individual presents satisfactory evidence to
404 the division and the appropriate board that the individual is making reasonable progress toward
405 passing of the qualifying examination for that profession or is otherwise on a course reasonably
406 expected to lead to licensure, but the period of time under this Subsection (2)(b) may not
407 exceed two years past the date the minimum supervised clinical training requirement has been
408 completed.

409 Section 14. Section **58-60-407** is amended to read:

410 **58-60-407. Scope of practice -- Limitations.**

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

415 (2) (a) To the extent an individual has completed the educational requirements of
416 Subsection 58-60-305(1)(d), a [~~certified professional counseling intern~~] licensed associate
417 professional counselor may engage in all acts and practices defined as the practice of
418 professional counseling if the practice is:

419 (i) within the scope of employment as a [~~certified~~] licensed professional counselor with
420 a public agency or private clinic as defined by division rule; and

421 (ii) under supervision of a qualified licensed mental health therapist as defined in
422 Subsection 58-60-102(5).

423 (b) A [~~certified~~] licensed associate professional counselor [~~intern~~] may not engage in
424 the independent practice of professional counseling.

425 Section 15. Section **58-60-506** is amended to read:

426 **58-60-506. Qualifications for licensure on and after July 1, 2007.**

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

- 429 (a) submit an application in a form prescribed by the division;
- 430 (b) pay a fee determined by the department under Section 63J-1-504;
- 431 (c) be of good moral character;
- 432 (d) satisfy the requirements of Subsection (2), (3), (4), or (5) respectively; and
- 433 (e) except for licensure as a certified substance abuse counselor intern, satisfy the
- 434 examination requirement established by rule under Section 58-1-203.

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

437 (a) ~~[The applicant shall]~~ produce:

438 (i) certified transcripts from an accredited institution of higher education meeting
439 standards established by the division by rule in collaboration with the board verifying
440 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;

441 (ii) documentation of the applicant's completion of a substance abuse education
442 program; and

443 (iii) documentation of the applicant's completion of 2,000 hours of supervised
444 experience in substance abuse treatment:

445 (A) meeting standards established by the division in collaboration with the board; and

446 (B) performed within a two-year period after the applicant's completion of the
447 substance abuse education program described in Subsection (2)(a)(ii)~~[-]~~, unless the time for
448 performance is extended, due to an extenuating circumstance, by the division, after
449 consultation with the board;

450 (b) ~~[The applicant shall]~~ produce:

451 (i) certified transcripts from an accredited institution meeting standards established by
452 the division by rule in collaboration with the board verifying satisfactory completion of a
453 baccalaureate or graduate degree or a high school diploma or equivalent;

454 (ii) documentation of the applicant's completion of a substance abuse education
455 program; and

456 (iii) documentation of the applicant's completion of 4,000 hours of supervised
457 experience in substance abuse treatment:

458 (A) meeting standards established by the division in collaboration with the board; and

459 (B) performed within a four-year period after the applicant's completion of the

460 substance abuse education program described in Subsection (2)(b)(ii)[:], unless the time for
461 performance is extended, due to an extenuating circumstance, by the division, after
462 consultation with the board;

463 (c) [~~Before~~] before January 1, 2009, [~~the applicant shall~~] produce:

464 (i) certified transcripts from an accredited institution of higher education meeting
465 standards established by the division by rule in collaboration with the board verifying
466 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;
467 and

468 (ii) documentation of the applicant's completion of 4,000 hours of supervised
469 experience in substance abuse treatment:

470 (A) meeting standards established by the division in collaboration with the board; and

471 (B) performed within a four-year period[:]; or

472 (d) [~~Before~~] before January 1, 2009, [~~the applicant shall~~] produce:

473 (i) certified transcripts from an accredited institution meeting standards established by
474 the division by rule in collaboration with the board verifying satisfactory completion of a
475 baccalaureate or graduate degree or a high school diploma or equivalent; and

476 (ii) documentation of the applicant's completion of 6,000 hours of supervised
477 experience in substance abuse treatment:

478 (A) meeting standards established by the division in collaboration with the board; and

479 (B) performed within a six-year period.

480 (3) An applicant for licensure as a certified substance abuse counselor shall [~~meet one~~
481 ~~of the following~~]:

482 (a) [~~The applicant shall~~] produce:

483 (i) certified transcripts from an accredited institution of higher education meeting
484 standards established by the division by rule in collaboration with the board verifying
485 satisfactory completion of a baccalaureate or graduate degree in behavioral or social sciences;
486 and

487 (ii) documentation of the applicant's completion of a substance abuse education
488 program[:];

489 (b) [~~The applicant shall~~] produce:

490 (i) certified transcripts from an accredited institution meeting standards established by

491 the division by rule in collaboration with the board verifying satisfactory completion of a
492 baccalaureate or graduate degree or a high school diploma or equivalent; and

493 (ii) documentation of the applicant's completion of a substance abuse education
494 program[-];

495 (c) [~~Before~~] before January 1, 2009, [~~the applicant shall~~] produce certified transcripts
496 from an accredited institution of higher education meeting standards established by the division
497 by rule in collaboration with the board verifying satisfactory completion of a baccalaureate or
498 graduate degree in behavioral or social sciences[-]; or

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

503 (4) (a) An applicant for licensure as a certified substance abuse counselor intern shall
504 meet the requirements for licensure as a certified substance abuse counselor under Subsection
505 (3).

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

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

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

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

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

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

518 Section 16. Section **58-60-508** is amended to read:

519 **58-60-508. Core functions of the mental health therapist supervisor.**

520 (1) Each supervisor of licensed substance abuse counselors shall:

521 (a) be a licensed mental health therapist qualified by education and experience to treat

522 substance abuse;

523 (b) be currently working in the substance abuse treatment field;

524 (c) review substance abuse counselor assessment procedures;

525 (d) provide substance abuse diagnosis and other mental health diagnoses in accordance

526 with Subsection 58-60-102(7);

527 (e) participate in the development of a treatment plan;

528 (f) approve the treatment plan; and

529 (g) provide direct supervision for not more than five persons, unless granted an

530 exception in writing from the board and the division.

531 (2) Each supervisor of a certified substance abuse counselor, certified substance abuse

532 counselor intern, or certified substance abuse counselor extern shall:

533 (a) (i) be a licensed substance abuse counselor with:

534 (A) until July 1, 2011, at least one year of experience as a licensed substance abuse

535 counselor; or

536 (B) beginning on July 1, 2011, at least two years of experience as a licensed substance

537 abuse counselor; or

538 (ii) be a licensed mental health therapist qualified by education and experience to treat

539 substance abuse;

540 (b) be currently working in the substance abuse field; and

541 (c) provide direct supervision for no more than three persons, unless granted an

542 exception in writing from the board and the division.

Fiscal Note**S.B. 90 2nd Sub. (Salmon) - 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.
