

1 **MENTAL HEALTH PROFESSIONAL PRACTICE ACT**

2 **AMENDMENTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Edward H. Redd**

6 Senate Sponsor: Allen M. Christensen

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the definition of the term "Mental Health Therapist" under the Mental
11 Health Professional Practice Act and the Psychologist Licensing Act and clarifies the
12 educational requirements of an applicant for a license as a substance use disorder
13 counselor.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ defines terms;
- 17 ▶ amends the definition of "Mental Health Therapist":
 - 18 • in the Mental Health Professional Practice Act and the Psychologist Licensing
 - 19 Act to include those working as an "advanced practice registered nurse intern,
 - 20 specializing in psychiatric mental health nursing"; and
 - 21 • under the Psychologist Licensing Act to make it consistent with the definition in
 - 22 the Mental Health Professional Practice Act;
 - 23 ▶ grants rulemaking authority to the Division of Occupational and Professional
 - 24 Licensing to determine whether an applicant for a license as a substance use
 - 25 disorder counselor has met educational requirements; and
 - 26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **58-60-102**, as last amended by Laws of Utah 2012, Chapter 179

34 **58-60-506**, as last amended by Laws of Utah 2012, Chapter 179

35 **58-61-102**, as last amended by Laws of Utah 2012, Chapter 117



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

38 Section 1. Section **58-60-102** is amended to read:

39 **58-60-102. Definitions.**

40 In addition to the definitions in Section 58-1-102, as used in this chapter:

41 (1) "Client" or "patient" means an individual who consults or is examined or
42 interviewed by an individual licensed under this chapter who is acting in the individual's
43 professional capacity.

44 (2) "Confidential communication" means information obtained by an individual
45 licensed under this chapter, including information obtained by the individual's examination of
46 the client or patient, which is:

47 (a) (i) transmitted between the client or patient and an individual licensed under this
48 chapter in the course of that relationship; or

49 (ii) transmitted among the client or patient, an individual licensed under this chapter,
50 and individuals who are participating in the diagnosis or treatment under the direction of an
51 individual licensed under this chapter, including members of the client's or patient's family; and

52 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
53 individual licensed under this chapter, and by a means not intended to be disclosed to third
54 persons other than those individuals:

55 (i) present to further the interest of the client or patient in the consultation,
56 examination, or interview;

57 (ii) reasonably necessary for the transmission of the communications; or

58 (iii) participating in the diagnosis and treatment of the client or patient under the

59 direction of the mental health therapist.

60 (3) "Hypnosis" means, when referring to individuals exempted from licensure under
61 this chapter, a process by which an individual induces or assists another individual into a
62 hypnotic state without the use of drugs or other substances and for the purpose of increasing
63 motivation or to assist the individual to alter lifestyles or habits.

64 (4) "Individual" means a natural person.

65 (5) "Mental health therapist" means an individual ~~H~~→ **who is practicing within the**
65a **scope of practice defined in the individual's respective licensing act and is** ←~~H~~ licensed
65b under this title as:

66 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental
67 health therapy;

68 (b) an advanced practice registered nurse, specializing in psychiatric mental health
69 nursing;

70 (c) an advanced practice registered nurse intern, specializing in psychiatric mental
71 health nursing;

72 [~~e~~] (d) a psychologist qualified to engage in the practice of mental health therapy;

73 [~~t~~] (e) a certified psychology resident qualifying to engage in the practice of mental
74 health therapy;

75 [~~e~~] (f) a clinical social worker;

76 [~~f~~] (g) a certified social worker;

77 [~~g~~] (h) a marriage and family therapist;

78 [~~h~~] (i) an associate marriage and family therapist;

79 [~~i~~] (j) a clinical mental health counselor; or

80 [~~j~~] (k) an associate clinical mental health counselor.

81 (6) "Mental illness" means a mental or emotional condition defined in an approved
82 diagnostic and statistical manual for mental disorders generally recognized in the professions of
83 mental health therapy listed under Subsection (5).

84 (7) "Practice of mental health therapy" means treatment or prevention of mental illness,
85 including:

86 (a) conducting a professional evaluation of an individual's condition of mental health,
87 mental illness, or emotional disorder consistent with standards generally recognized in the
88 professions of mental health therapy listed under Subsection (5);

89 (b) establishing a diagnosis in accordance with established written standards generally

90 recognized in the professions of mental health therapy listed under Subsection (5);

91 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
92 emotional disorder; and

93 (d) engaging in the conduct of professional intervention, including psychotherapy by
94 the application of established methods and procedures generally recognized in the professions
95 of mental health therapy listed under Subsection (5).

96 (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

97 (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and
98 may be further defined by division rule.

99 Section 2. Section **58-60-506** is amended to read:

100 **58-60-506. Qualifications for licensure on and after July 1, 2012.**

101 (1) An applicant for licensure under this part on and after July 1, 2012, must meet the
102 following qualifications:

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

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

105 (c) be of good moral character;

106 (d) satisfy the requirements of Subsection (2), (3), (4), (5), (6), or (7) respectively; and

107 (e) except for licensure as a certified substance use disorder counselor intern and a
108 certified advanced substance use disorder counselor intern, satisfy the examination requirement
109 established by division rule under Section 58-1-203.

110 (2) In accordance with division rules, an applicant for licensure as an advanced
111 substance use disorder counselor shall produce:

112 (a) certified transcripts from an accredited institution of higher education that:

113 (i) meet division standards;

114 (ii) verify the satisfactory completion of a baccalaureate or graduate degree; and

115 (iii) verify the completion of prerequisite courses established by division rules;

116 (b) documentation of the applicant's completion of a substance use disorder education
117 program that includes:

118 (i) at least 300 hours of substance use disorder related education, of which 200 hours
119 may have been obtained while qualifying for a substance use disorder counselor license;

120 (ii) a supervised practicum of at least 350 hours, of which 200 hours may have been

121 obtained while qualifying for a substance use disorder counselor license; and

122 (c) documentation of the applicant's completion of at least 4,000 hours of supervised
123 experience in substance use disorder treatment, of which 2,000 hours may have been obtained
124 while qualifying for a substance use disorder counselor license, that:

125 (i) meets division standards; and

126 (ii) is performed within a four-year period after the applicant's completion of the
127 substance use disorder education program described in Subsection (2)(b), unless, as determined
128 by the division after consultation with the board, the time for performance is extended due to
129 an extenuating circumstance.

130 (3) An applicant for licensure as a certified advanced substance use disorder counselor
131 shall meet the requirements in Subsections (2)(a) and (b).

132 (4) (a) An applicant for licensure as a certified advanced substance use disorder
133 counselor intern shall meet the requirements in Subsections (2)(a) and (b).

134 (b) A certified advanced substance use disorder counselor intern license expires at the
135 earlier of:

136 (i) the licensee passing the examination required for licensure as a certified advanced
137 substance use disorder counselor; or

138 (ii) six months after the certified advanced substance use disorder counselor intern
139 license is issued.

140 (5) In accordance with division rules, an applicant for licensure as a substance use
141 disorder counselor shall produce:

142 (a) certified transcripts from an accredited institution that:

143 (i) meet division standards;

144 (ii) verify satisfactory completion of an associate's degree or equivalent [~~degree~~] as
145 defined by the division in rule; and

146 (iii) verify the completion of prerequisite courses established by division rules;

147 (b) documentation of the applicant's completion of a substance use disorder education
148 program that includes:

149 (i) completion of at least 200 hours of substance use disorder related education; and

150 (ii) completion of a supervised practicum of at least 200 hours; and

151 (c) documentation of the applicant's completion of at least 2,000 hours of supervised

152 experience in substance use disorder treatment that:

153 (i) meets division standards; and

154 (ii) is performed within a two-year period after the applicant's completion of the
155 substance use disorder education program described in Subsection (5)(b), unless, as determined
156 by the division after consultation with the board, the time for performance is extended due to
157 an extenuating circumstance.

158 (6) An applicant for licensure as a certified substance use disorder counselor shall meet
159 the requirements of Subsections (5)(a) and (b).

160 (7) (a) An applicant for licensure as a certified substance use disorder counselor intern
161 shall meet the requirements of Subsections (5)(a) and (b).

162 (b) A certified substance use disorder counselor intern license expires at the earlier of:

163 (i) the licensee passing the examination required for licensure as a certified substance
164 use disorder counselor; or

165 (ii) six months after the certified substance use disorder counselor intern license is
166 issued.

167 Section 3. Section **58-61-102** is amended to read:

168 **58-61-102. Definitions.**

169 In addition to the definitions in Section 58-1-102, as used in this chapter:

170 (1) "Board" means the Psychologist Licensing Board created in Section 58-61-201.

171 (2) "Client" or "patient" means an individual who consults or is examined or
172 interviewed by a psychologist acting in his professional capacity.

173 (3) "Confidential communication" means information, including information obtained
174 by the psychologist's examination of the client or patient, which is:

175 (a) (i) transmitted between the client or patient and a psychologist in the course of that
176 relationship; or

177 (ii) transmitted among the client or patient, the psychologist, and individuals who are
178 participating in the diagnosis or treatment under the direction of the psychologist, including
179 members of the client's or patient's family; and

180 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
181 psychologist, and by a means not intended to be disclosed to third persons other than those
182 individuals:

- 183 (i) present to further the interest of the client or patient in the consultation,
 184 examination, or interview;
- 185 (ii) reasonably necessary for the transmission of the communications; or
- 186 (iii) participating in the diagnosis and treatment of the client or patient under the
 187 direction of the psychologist.
- 188 (4) "Hypnosis" means, regarding individuals exempted from licensure under this
 189 chapter, a process by which one individual induces or assists another individual into a hypnotic
 190 state without the use of drugs or other substances and for the purpose of increasing motivation
 191 or to assist the individual to alter lifestyles or habits.
- 192 (5) "Individual" means a natural person.
- 193 (6) "Mental health therapist" means an individual licensed under this title as a:
- 194 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental
 195 health therapy;
- 196 (b) ~~registered psychiatric mental health nurse specialist;~~ an advanced practice
 197 registered nurse, specializing in psychiatric mental health nursing;
- 198 (c) an advanced practice registered nurse intern, specializing in psychiatric mental
 199 health nursing;
- 200 ~~(e)~~ (d) psychologist qualified to engage in the practice of mental health therapy;
- 201 (e) a certified psychology resident qualifying to engage in the practice of mental health
 202 therapy;
- 203 ~~(f)~~ (f) clinical social worker;
- 204 ~~(e)~~ (g) certified social worker;
- 205 ~~(f)~~ (h) marriage and family therapist; ~~(or)~~
- 206 (i) an associate marriage and family therapist;
- 207 ~~(g) professional~~ (j) a clinical mental health counselor[-]; or
- 208 (k) an associate clinical mental health counselor.
- 209 (7) "Mental illness" means a mental or emotional condition defined in an approved
 210 diagnostic and statistical manual for mental disorders generally recognized in the professions of
 211 mental health therapy listed under Subsection (6).
- 212 (8) "Practice of mental health therapy" means the treatment or prevention of mental
 213 illness, including:

214 (a) conducting a professional evaluation of an individual's condition of mental health,
215 mental illness, or emotional disorder;

216 (b) establishing a diagnosis in accordance with established written standards generally
217 recognized in the professions of mental health therapy listed under Subsection (6);

218 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
219 emotional disorder; and

220 (d) engaging in the conduct of professional intervention, including psychotherapy by
221 the application of established methods and procedures generally recognized in the professions
222 of mental health therapy listed under Subsection (6).

223 (9) (a) "Practice of psychology" includes:

224 (i) the practice of mental health therapy by means of observation, description,
225 evaluation, interpretation, intervention, and treatment to effect modification of human behavior
226 by the application of generally recognized professional psychological principles, methods, and
227 procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or
228 dysfunction, the symptoms of any of these, or maladaptive behavior;

229 (ii) the observation, description, evaluation, interpretation, or modification of human
230 behavior by the application of generally recognized professional principles, methods, or
231 procedures requiring the education, training, and clinical experience of a psychologist, for the
232 purpose of assessing, diagnosing, preventing, or eliminating symptomatic, maladaptive, or
233 undesired behavior and of enhancing interpersonal relationships, work and life adjustment,
234 personal effectiveness, behavioral health, and mental health;

235 (iii) psychological testing and the evaluation or assessment of personal characteristics
236 such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological
237 functioning;

238 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis,
239 and behavior analysis and therapy;

240 (v) diagnosis and treatment of mental and emotional disorders of disability, alcoholism
241 and substance abuse, disorders of habit or conduct, and the psychological aspects of physical
242 illness, accident, injury, or disability; and

243 (vi) psychoeducational evaluation, therapy, remediation, and consultation.

244 (b) An individual practicing psychology may provide services to individuals, couples,

245 families, groups of individuals, members of the public, and individuals or groups within
246 organizations or institutions.

247 (10) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-61-501.

248 (11) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-61-502, and
249 may be further defined by division rule.

Legislative Review Note
as of 12-10-12 12:09 PM

Office of Legislative Research and General Counsel