

Senator Michael S. Kennedy proposes the following substitute bill:

1 **MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael S. Kennedy**

5 House Sponsor: Merrill F. Nelson

6
7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to clinical mental health counselors and marriage
10 and family therapists.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ reduces the maximum amount of time that an individual may practice as an
14 associate clinical mental health counselor or associate marriage and family
15 therapist;
16 ▶ repeals a reporting requirement; and
17 ▶ extends the sunset date for a provision that creates a pathway to obtain licensure as
18 an associate clinical mental health counselor.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **58-60-305**, as last amended by Laws of Utah 2020, Chapter 339



26 [58-60-405](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
27 [63I-1-258](#), as last amended by Laws of Utah 2021, Chapter 32



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

30 Section 1. Section **58-60-305** is amended to read:

31 **58-60-305. Qualifications for licensure.**

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

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

34 (b) pay a fee determined by the department under Section [63J-1-504](#);

35 (c) produce certified transcripts evidencing completion of a masters or doctorate degree
36 in marriage and family therapy from:

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

39 (ii) an accredited institution meeting criteria for approval established by rule under
40 Section [58-1-203](#);

41 (d) have completed a minimum of 4,000 hours of marriage and family therapy training
42 as defined by division rule under Section [58-1-203](#):

43 (i) in not less than two years;

44 (ii) under the supervision of a mental health therapist supervisor who meets the
45 requirements of Section [58-60-307](#);

46 (iii) obtained after completion of the education requirement in Subsection (1)(c); and

47 (iv) including a minimum of two hours of training in suicide prevention via a course
48 that the division designates as approved;

49 (e) document successful completion of not less than 1,000 hours of supervised training
50 in mental health therapy obtained after completion of the education requirement described in
51 Subsection (1)(c)(i) or (1)(c)(ii), which training may be included as part of the 4,000 hours of
52 training described in Subsection (1)(d), and of which documented evidence demonstrates not
53 less than 100 of the supervised hours were obtained during direct, personal supervision, as
54 defined by rule, by a mental health therapist supervisor qualified under Section [58-60-307](#); and

55 (f) pass the examination requirement established by division rule under Section
56 [58-1-203](#).

57 (2) (a) All applicants for licensure as an associate marriage and family therapist shall
58 comply with the provisions of Subsections (1)(a), (b), and (c).

59 (b) An individual's license as an associate marriage and family therapist is limited to
60 the period of time necessary to complete clinical training as described in Subsections (1)(d) and
61 (e) and extends not more than [~~one year~~] two years from the date the minimum requirement for
62 training is completed, unless the individual presents satisfactory evidence to the division and
63 the appropriate board that the individual is making reasonable progress toward passing of the
64 qualifying examination for that profession or is otherwise on a course reasonably expected to
65 lead to licensure, but the period of time under this Subsection (2)(b) may not exceed [~~two~~] four
66 years past the date the minimum supervised clinical training requirement has been completed.

67 Section 2. Section ~~58-60-405~~ is amended to read:

68 **58-60-405. Qualifications for licensure.**

69 (1) An applicant for licensure as a clinical mental health counselor shall:

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

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

72 (c) produce certified transcripts evidencing completion of:

73 (i) a master's or doctorate degree conferred to the applicant in:

74 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor
75 education and supervision from a program accredited by the Council for Accreditation of
76 Counseling and Related Educational Programs; or

77 (B) clinical mental health counseling or an equivalent field from a program affiliated
78 with an institution that has accreditation that is recognized by the Council for Higher Education
79 Accreditation; and

80 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to
81 an educational program described in Subsection (1)(d)(i);

82 (d) have completed a minimum of 4,000 hours of clinical mental health counselor
83 training as defined by division rule under Section ~~58-1-203~~:

84 (i) in not less than two years;

85 (ii) under the supervision of a clinical mental health counselor, psychiatrist,
86 psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or
87 marriage and family therapist supervisor approved by the division in collaboration with the

88 board;

89 (iii) obtained after completion of the education requirement in Subsection (1)(c); and

90 (iv) including a minimum of two hours of training in suicide prevention via a course
91 that the division designates as approved;

92 (e) document successful completion of not less than 1,000 hours of supervised training
93 in mental health therapy obtained after completion of the education requirement in Subsection
94 (1)(c), which training may be included as part of the 4,000 hours of training in Subsection
95 (1)(d), and of which documented evidence demonstrates not less than 100 of the hours were
96 obtained under the direct supervision of a mental health therapist, as defined by rule; and

97 (f) pass the examination requirement established by division rule under Section
98 [58-1-203](#).

99 (2) (a) An applicant for licensure as an associate clinical mental health counselor shall
100 comply with the provisions of Subsections (1)(a), (b), and (c).

101 (b) Except as provided under Subsection (2)(c), an individual's licensure as an
102 associate clinical mental health counselor is limited to the period of time necessary to complete
103 clinical training as described in Subsections (1)(d) and (e) and extends not more than [~~one year~~]
104 two years from the date the minimum requirement for training is completed.

105 (c) The time period under Subsection (2)(b) may be extended to a maximum of [~~two~~]
106 four years past the date the minimum supervised clinical training requirement has been
107 completed, if the applicant presents satisfactory evidence to the division and the appropriate
108 board that the individual is:

109 (i) making reasonable progress toward passing of the qualifying examination for that
110 profession; or

111 (ii) otherwise on a course reasonably expected to lead to licensure.

112 (3) [~~(a)~~] Notwithstanding Subsection (1)(c), an applicant satisfies the education
113 requirement described in Subsection (1)(c) if the applicant submits documentation verifying:

114 [~~(i)~~] (a) satisfactory completion of a doctoral or master's degree from an educational
115 program in rehabilitation counseling accredited by the Council for Accreditation of Counseling
116 and Related Educational Programs;

117 [~~(ii)~~] (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit
118 hours of coursework related to an educational program described in Subsection (1)(c)(i); and

119 [(iii)] (c) that the applicant received a passing score that is valid and in good standing
120 on:

121 [(A)] (i) the National Counselor Examination; and

122 [(B)] (ii) the National Clinical Mental Health Counseling Examination.

123 [(b) During the 2021 interim, the division shall report to the Occupational and
124 Professional Licensure Review Committee created in Section 36-23-102 on:]

125 [(i) the number of applicants who applied for licensure under this Subsection (3);]

126 [(ii) the number of applicants who were approved for licensure under this Subsection
127 (3);]

128 [(iii) any changes to division rule after May 12, 2020, regarding the qualifications for
129 licensure under this section; and]

130 [(iv) recommendations for legislation or other action that the division considers
131 necessary to carry out the provisions of this Subsection (3).]

132 Section 3. Section 63I-1-258 is amended to read:

133 **63I-1-258. Repeal dates, Title 58.**

134 (1) Section 58-3a-201, which creates the Architects Licensing Board, is repealed July
135 1, 2026.

136 (2) Section 58-11a-302.5 is repealed July 1, 2022.

137 (3) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
138 repealed July 1, 2026.

139 (4) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

140 (5) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

141 (6) Subsection 58-37-6(7)(f)(iii) is repealed July 1, 2022, and the Office of Legislative
142 Research and General Counsel is authorized to renumber the remaining subsections

143 accordingly.

144 (7) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

145 (8) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
146 repealed July 1, 2029.

147 (9) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.

148 (10) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed
149 July 1, 2023.

- 150 (11) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.
- 151 (12) Subsection 58-55-201(2), which creates the Alarm System and Security Licensing
152 Advisory Board, is repealed July 1, 2027.
- 153 (13) Subsection 58-60-405(3), regarding certain educational qualifications for licensure
154 and reporting, is repealed July 1, [~~2022~~] 2032.
- 155 (14) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed July 1,
156 2026.
- 157 (15) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.
- 158 (16) The following sections are repealed on July 1, 2022:
- 159 (a) Section 58-5a-502;
- 160 (b) Section 58-31b-502.5;
- 161 (c) Section 58-67-502.5;
- 162 (d) Section 58-68-502.5; and
- 163 (e) Section 58-69-502.5.