

Representative Stephanie Gricius proposes the following substitute bill:

MENTAL HEALTH PROFESSIONAL LICENSING AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ removes restrictions on the provision of remote mental health therapy and remote substance use disorder counseling, with certain conditions;
- ▶ modifies requirements related to the training hours required for licensure as a:
 - clinical social worker;
 - marriage and family therapist; or
 - clinical mental health counselor; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-60-107, as last amended by Laws of Utah 2021, Chapter 313



- 26 [58-60-205](#), as last amended by Laws of Utah 2022, Chapters 345, 466
 - 27 [58-60-207](#), as last amended by Laws of Utah 2020, Chapter 339
 - 28 [58-60-305](#), as last amended by Laws of Utah 2022, Chapters 345, 416 and 466
 - 29 [58-60-405](#), as last amended by Laws of Utah 2022, Chapters 345, 416 and 466
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31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **58-60-107** is amended to read:

33 **58-60-107. Exemptions from licensure.**

34 (1) Except as modified in Section [58-60-103](#), the exemptions from licensure in Section
35 [58-1-307](#) apply to this chapter.

36 (2) In addition to the exemptions from licensure in Section [58-1-307](#), and except as
37 provided in Subsection (3), the following may engage in acts included within the definition of
38 practice as a mental health therapist, subject to the stated circumstances and limitations,
39 without being licensed under this chapter:

40 (a) the following when practicing within the scope of the license held:

41 (i) a physician and surgeon or osteopathic physician and surgeon licensed under
42 Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;

43 (ii) an advanced practice registered nurse, specializing in psychiatric mental health
44 nursing, licensed under Chapter 31b, Nurse Practice Act;

45 (iii) a psychologist licensed under Chapter 61, Psychologist Licensing Act; and

46 (iv) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act,
47 and specializing in mental health care under Section [58-70a-501.1](#);

48 (b) a recognized member of the clergy while functioning in a ministerial capacity as
49 long as the member of the clergy does not represent that the member of the clergy is, or use the
50 title of, a license classification in Subsection [58-60-102\(5\)](#);

51 (c) an individual who is offering expert testimony in a proceeding before a court,
52 administrative hearing, deposition upon the order of a court or other body having power to
53 order the deposition, or a proceeding before a master, referee, or alternative dispute resolution
54 provider;

55 (d) an individual engaged in performing hypnosis who is not licensed under this title in
56 a profession which includes hypnosis in its scope of practice, and who:

- 57 (i) (A) induces a hypnotic state in a client for the purpose of increasing motivation or
58 altering lifestyles or habits, such as eating or smoking, through hypnosis;
- 59 (B) consults with a client to determine current motivation and behavior patterns;
- 60 (C) prepares the client to enter hypnotic states by explaining how hypnosis works and
61 what the client will experience;
- 62 (D) tests clients to determine degrees of suggestibility;
- 63 (E) applies hypnotic techniques based on interpretation of consultation results and
64 analysis of client's motivation and behavior patterns; and
- 65 (F) trains clients in self-hypnosis conditioning;
- 66 (ii) may not:
- 67 (A) engage in the practice of mental health therapy;
- 68 (B) use the title of a license classification in Subsection 58-60-102(5); or
- 69 (C) use hypnosis with or treat a medical, psychological, or dental condition defined in
70 generally recognized diagnostic and statistical manuals of medical, psychological, or dental
71 disorders;
- 72 (e) an individual's exemption from licensure under Subsection 58-1-307(1)(b)
73 terminates when the student's training is no longer supervised by qualified faculty or staff and
74 the activities are no longer a defined part of the degree program;
- 75 (f) an individual holding an earned doctoral degree or master's degree in social work,
76 marriage and family therapy, or clinical mental health counseling, who is employed by an
77 accredited institution of higher education and who conducts research and teaches in that
78 individual's professional field, but only if the individual does not engage in providing or
79 supervising professional services regulated under this chapter to individuals or groups
80 regardless of whether there is compensation for the services;
- 81 (g) an individual in an on-the-job training program approved by the division while
82 under the supervision of qualified persons;
- 83 (h) an individual providing general education in the subjects of alcohol, drug use, or
84 substance use disorders, including prevention;
- 85 (i) an individual providing advice or counsel to another individual in a setting of their
86 association as friends or relatives and in a nonprofessional and noncommercial relationship, if
87 there is no compensation paid for the advice or counsel; and

88 (j) an individual who is licensed, in good standing, to practice mental health therapy or
89 substance use disorder counseling in a state or territory of the United States outside of Utah
90 may provide [~~short term transitional~~] mental health therapy remotely or [~~short term~~
91 ~~transitional~~] substance use disorder counseling remotely to a client in Utah [~~only~~] if:

92 (i) the individual is present in the state or territory where the individual is licensed to
93 practice mental health therapy or substance use disorder counseling; and

94 [~~(ii) the client relocates to Utah;~~]

95 [~~(iii) the client is a client of the individual immediately before the client relocates to~~
96 ~~Utah;~~]

97 [~~(iv) the individual provides the short term transitional mental health therapy or short~~
98 ~~term transitional substance use disorder counseling remotely to the client only during the 45~~
99 ~~day period beginning on the day on which the client relocates to Utah;~~]

100 [~~(v) within 10 days after the day on which the client relocates to Utah, the individual~~
101 ~~provides written notice to the division of the individual's intent to provide short term~~
102 ~~transitional mental health therapy or short term transitional substance use disorder counseling~~
103 ~~remotely to the client; and]~~

104 [~~(vi)~~] (ii) the individual does not engage in unlawful conduct or unprofessional
105 conduct.

106 (3) (a) As used in this Subsection (3):

107 (i) "Prescribe" means the same as that term is defined in Section [58-17b-102](#).

108 (ii) "Prescription drug" means the same as that term is defined in Section [58-17b-102](#).

109 (b) Notwithstanding Subsection (2)(j), an individual who provides mental health
110 therapy remotely or substance use disorder counseling remotely to a client in Utah:

111 (i) may not prescribe a prescription drug for a client in Utah unless the individual is
112 licensed in Utah to prescribe the prescription drug;

113 (ii) shall, before providing mental health therapy remotely or substance use disorder
114 counseling remotely to a client in Utah, be aware of:

115 (A) how to access emergency mental health services and resources in Utah; and

116 (B) all applicable laws and rules regarding the required or permitted reporting or
117 disclosing of confidential client communications;

118 (iii) shall, within \hat{H} → [10 days] one day ← \hat{H} after the day on which the individual first
118a provides mental

119 health therapy remotely or substance use disorder counseling remotely to a client in Utah,
 120 submit to the division a signed notice, in the form required by the division, notifying the
 121 division that the individual is providing therapy or counseling under the exemption in
 122 Subsection (2)(j); and

123 (iv) shall obtain a license by endorsement under Section 58-60-115;

124 (A) within ~~12~~ 9 months after the day on which the individual first provides
 124a mental health

125 therapy remotely or substance use disorder counseling remotely to a client in Utah; or

126 (B) if at any time the individual provides mental health therapy remotely or substance
 127 use disorder counseling remotely to more than one client in Utah.

128 (4) The division shall report to the Health and Human Services Interim Committee at
 129 or before the committee's October 2026 meeting regarding the exemption described in
 130 Subsection (2)(j), including information about any complaints the division has received
 131 concerning individuals who have provided therapy or counseling under that exemption.

132 Section 2. Section **58-60-205** is amended to read:

133 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
 134 **certified social worker, and social service worker.**

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

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

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

138 (c) produce certified transcripts from an accredited institution of higher education
 139 recognized by the division in collaboration with the board verifying satisfactory completion of
 140 an education and an earned degree as follows:

141 (i) a master's degree in a social work program accredited by the Council on Social
 142 Work Education or by the Canadian Association of Schools of Social Work; or

143 (ii) a doctoral degree that contains a clinical social work concentration and practicum
 144 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
 145 Administrative Rulemaking Act, that is consistent with Section 58-1-203;

146 (d) have completed a minimum of 3,000 hours of clinical social work training as
 147 defined by division rule under Section 58-1-203:

148 [~~(i) in not less than two years;~~]

149 [~~(ii)~~] (i) under the supervision of a supervisor approved by the division in collaboration

150 with the board who is a:

- 151 (A) clinical mental health counselor;
- 152 (B) psychiatrist;
- 153 (C) psychologist;
- 154 (D) registered psychiatric mental health nurse practitioner;
- 155 (E) marriage and family therapist; or
- 156 (F) clinical social worker; and

157 ~~[(iii)]~~ (ii) including a minimum of two hours of training in suicide prevention via a
158 course that the division designates as approved;

159 (e) document successful completion of not less than 1,000 hours of supervised training
160 in mental health therapy obtained after completion of the education requirement in Subsection
161 (1)(c), which training may be included as part of the 3,000 hours of training in Subsection
162 (1)(d), and of which documented evidence demonstrates not less than ~~[100]~~ 75 of the hours
163 were obtained under the direct supervision, as defined by rule, of a supervisor described in
164 Subsection ~~[(1)(d)(ii)]~~ (1)(d)(i);

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

167 (g) pass the examination requirement established by rule under Section 58-1-203; and

168 (h) if the applicant is applying to participate in the Counseling Compact under Chapter
169 60a, Counseling Compact, consent to a criminal background check in accordance with Section
170 58-60-103.1 and any requirements established by division rule made in accordance with Title
171 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

175 (c) produce certified transcripts from an accredited institution of higher education
176 recognized by the division in collaboration with the board verifying satisfactory completion of
177 an education and an earned degree as follows:

178 (i) a master's degree in a social work program accredited by the Council on Social
179 Work Education or by the Canadian Association of Schools of Social Work; or

180 (ii) a doctoral degree that contains a clinical social work concentration and practicum

181 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
182 Administrative Rulemaking Act, that is consistent with Section 58-1-203; and

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

184 (3) (a) An applicant for certification as a certified social worker intern shall meet the
185 requirements of Subsections (2)(a)[~~(b)~~, and] through (c).

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

188 (c) A certified social worker intern may provide mental health therapy under the
189 general supervision, as defined by rule, of a supervisor described in Subsection [~~(1)(d)(ii)~~]
190 (1)(d)(i).

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

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

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

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

197 (i) a bachelor's degree in a social work program accredited by the Council on Social
198 Work Education or by the Canadian Association of Schools of Social Work;

199 (ii) a master's degree in a field approved by the division in collaboration with the
200 board;

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

202 (A) has completed at least three semester hours, or the equivalent, in each of the
203 following areas:

204 (I) social welfare policy;

205 (II) human growth and development; and

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

207 (B) provides documentation that the applicant has completed at least 2,000 hours of
208 qualifying experience under the supervision of a mental health therapist, which experience is
209 approved by the division in collaboration with the board, and which is performed after
210 completion of the requirements to obtain the bachelor's degree required under this Subsection
211 (4); or

212 (iv) successful completion of the first academic year of a Council on Social Work
213 Education approved master's of social work curriculum and practicum; and

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

215 (5) The division shall ensure that the rules for an examination described under
216 Subsections (1)(g), (2)(d), and (4)(d) allow additional time to complete the examination if
217 requested by an applicant who is:

218 (a) a foreign born legal resident of the United States for whom English is a second
219 language; or

220 (b) an enrolled member of a federally recognized Native American tribe.

221 Section 3. Section 58-60-207 is amended to read:

222 **58-60-207. Scope of practice -- Limitations.**

223 (1) (a) A clinical social worker may engage in all acts and practices defined as the
224 practice of clinical social work without supervision, in private and independent practice, or as
225 an employee of another person, limited only by the licensee's education, training, and
226 competence.

227 (b) A clinical social worker may not supervise more than six individuals who are
228 lawfully engaged in training for the practice of mental health therapy, unless granted an
229 exception in writing from the division in collaboration with the board.

230 (2) To the extent an individual is professionally prepared by the education and training
231 track completed while earning a master's or doctor of social work degree, a licensed certified
232 social worker may engage in all acts and practices defined as the practice of certified social
233 work consistent with the licensee's education, clinical training, experience, and competence:

234 (a) under supervision of an individual described in Subsection [~~58-60-205(1)(d)(ii)~~]
235 58-60-205(1)(d)(i) and as an employee of another person when engaged in the practice of
236 mental health therapy;

237 (b) without supervision and in private and independent practice or as an employee of
238 another person, if not engaged in the practice of mental health therapy;

239 (c) including engaging in the private, independent, unsupervised practice of social
240 work as a self-employed individual, in partnership with other mental health therapists, as a
241 professional corporation, or in any other capacity or business entity, so long as he does not
242 practice unsupervised psychotherapy; and

243 (d) supervising social service workers as provided by division rule.

244 Section 4. Section **58-60-305** is amended to read:

245 **58-60-305. Qualifications for licensure.**

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

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

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

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

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

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

255 (d) have completed a minimum of 3,000 hours of marriage and family therapy training
256 as defined by division rule under Section [58-1-203](#):

257 [~~(i) in not less than two years;~~]

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

260 [~~(iii)~~] (ii) obtained after completion of the education requirement in Subsection (1)(c);
261 and

262 [~~(iv)~~] (iii) including a minimum of two hours of training in suicide prevention via a
263 course that the division designates as approved;

264 (e) document successful completion of not less than 1,000 hours of supervised training
265 in mental health therapy obtained after completion of the education requirement described in
266 Subsection [~~(1)(c)(i) or (1)(c)(ii)~~] (1)(c), which training may be included as part of the 3,000
267 hours of training described in Subsection (1)(d), and of which documented evidence
268 demonstrates not less than [~~100~~] 75 of the supervised hours were obtained during direct,
269 personal supervision, as defined by rule, by a mental health therapist supervisor qualified under
270 Section [58-60-307](#);

271 (f) pass the examination requirement established by division rule under Section
272 [58-1-203](#); and

273 (g) if the applicant is applying to participate in the Counseling Compact under Chapter

274 60a, Counseling Compact, consent to a criminal background check in accordance with Section
275 58-60-103.1 and any requirements established by division rule made in accordance with Title
276 63G, Chapter 3, Utah Administrative Rulemaking Act.

277 (2) (a) All applicants for licensure as an associate marriage and family therapist shall
278 comply with the provisions of Subsections (1)(a)[~~-(b), and~~] through (c).

279 (b) An individual's license as an associate marriage and family therapist is limited to
280 the period of time necessary to complete clinical training as described in Subsections (1)(d) and
281 (e) and extends not more than two years from the date the minimum requirement for training is
282 completed, unless the individual presents satisfactory evidence to the division and the
283 appropriate board that the individual is making reasonable progress toward passing of the
284 qualifying examination for that profession or is otherwise on a course reasonably expected to
285 lead to licensure, but the period of time under this Subsection (2)(b) may not exceed four years
286 past the date the minimum supervised clinical training requirement has been completed.

287 Section 5. Section **58-60-405** is amended to read:

288 **58-60-405. Qualifications for licensure.**

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

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

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

292 (c) produce certified transcripts evidencing completion of:

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

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

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

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

302 (d) have completed a minimum of 3,000 hours of clinical mental health counselor
303 training as defined by division rule under Section 58-1-203:

304 [~~(i) in not less than two years;~~]

305 ~~[(iv)]~~ (i) under the supervision of a clinical mental health counselor, psychiatrist,
306 psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or
307 marriage and family therapist supervisor approved by the division in collaboration with the
308 board;

309 ~~[(iii)]~~ (ii) obtained after completion of the education requirement in Subsection (1)(c);
310 and

311 ~~[(iv)]~~ (iii) including a minimum of two hours of training in suicide prevention via a
312 course that the division designates as approved;

313 (e) document successful completion of not less than 1,000 hours of supervised training
314 in mental health therapy obtained after completion of the education requirement in Subsection
315 (1)(c), which training may be included as part of the 3,000 hours of training in Subsection
316 (1)(d), and of which documented evidence demonstrates not less than ~~[100]~~ 75 of the hours
317 were obtained under the direct supervision of a mental health therapist, as defined by rule;

318 (f) pass the examination requirement established by division rule under Section
319 [58-1-203](#); and

320 (g) if the applicant is applying to participate in the Counseling Compact under Chapter
321 60a, Counseling Compact, consent to a criminal background check in accordance with Section
322 [58-60-103.1](#) and any requirements established by division rule made in accordance with Title
323 63G, Chapter 3, Utah Administrative Rulemaking Act.

324 (2) (a) An applicant for licensure as an associate clinical mental health counselor shall
325 comply with the provisions of Subsections (1)(a)~~[-(b), and]~~ through (c).

326 (b) Except as provided under Subsection (2)(c), an individual's licensure as an
327 associate clinical mental health counselor is limited to the period of time necessary to complete
328 clinical training as described in Subsections (1)(d) and (e) and extends not more than two year
329 from the date the minimum requirement for training is completed.

330 (c) The time period under Subsection (2)(b) may be extended to a maximum of four
331 years past the date the minimum supervised clinical training requirement has been completed,
332 if the applicant presents satisfactory evidence to the division and the appropriate board that the
333 individual is:

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

- 336 (ii) otherwise on a course reasonably expected to lead to licensure.
- 337 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement
- 338 described in Subsection (1)(c) if the applicant submits documentation verifying:
- 339 (a) satisfactory completion of a doctoral or master's degree from an educational
- 340 program in rehabilitation counseling accredited by the Council for Accreditation of Counseling
- 341 and Related Educational Programs;
- 342 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit
- 343 hours of coursework related to an educational program described in Subsection (1)(c)(i); and
- 344 (c) that the applicant received a passing score that is valid and in good standing on:
- 345 (i) the National Counselor Examination; and
- 346 (ii) the National Clinical Mental Health Counseling Examination.