

Senator Michael K. McKell 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:

- ▶ amends the requirements for the provision of remote, transitional mental health therapy and substance use disorder counseling;
- ▶ allows for the provision of remote mental health therapy and substance use disorder counseling, subject to 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~~

~~requires an applicant for licensure as a clinical social worker, marriage and family therapist, or clinical mental health counselor to enter into a supervision agreement after completing supervised training hours; and]~~

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



88 (h) an individual providing general education in the subjects of alcohol, drug use, or
89 substance use disorders, including prevention;

90 (i) an individual providing advice or counsel to another individual in a setting of their
91 association as friends or relatives and in a nonprofessional and noncommercial relationship, if
92 there is no compensation paid for the advice or counsel; and

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

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

99 (ii) the client relocates to Utah;

100 (iii) the client is a client of the individual immediately before the client relocates to
101 Utah;

102 (iv) the individual provides the short term transitional mental health therapy or short
103 term transitional substance use disorder counseling remotely to the client only during the ~~[45]~~
104 90 day period beginning on the day on which the client relocates to Utah;

105 (v) within ~~[10 days]~~ one day after the day on which the ~~[client relocates to]~~ individual
106 first provides mental health therapy or substance use disorder counseling remotely to the client
107 in Utah, the individual provides written notice to the division of the individual's intent to
108 provide short term transitional mental health therapy or short term transitional substance use
109 disorder counseling remotely to the client; and

110 (vi) the individual does not engage in unlawful conduct or unprofessional conduct.

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

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

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

114 (b) ~~§~~ → ~~[An]~~ **Except as otherwise provided in an interstate compact enacted under this**
114a **title, an** ~~←~~ ~~§~~ individual who is licensed, in good standing, to practice mental health therapy
115 or substance use disorder counseling in a state or territory of the United States outside of Utah,
116 and who provides mental health therapy remotely or substance use disorder counseling
117 remotely to a client in Utah:

118 (i) may not prescribe a prescription drug for a client in Utah unless the individual is

212 (II) human growth and development; and
 213 (III) social work practice methods, as defined by rule; and
 214 (B) provides documentation that the applicant has completed at least 2,000 hours of
 215 qualifying experience under the supervision of a mental health therapist, which experience is
 216 approved by the division in collaboration with the board, and which is performed after
 217 completion of the requirements to obtain the bachelor's degree required under this Subsection
 218 (4); or

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

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

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

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

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

228 **§→ ~~[(6) (a) An applicant for licensure as a clinical social worker shall, after completing the~~**
 229 **~~hours described in Subsections (1)(d) and (e), enter into a supervision agreement with a~~**
 230 **~~supervisor described in Subsection (1)(d)(i):~~**

231 ~~—— (b) A supervision agreement shall be for a term of at least six months.~~

232 ~~—— (c) An applicant for licensure as a clinical social worker may be licensed during the~~
 233 ~~term of a supervision agreement if the individual meets the requirements for licensure.~~

234 ~~—— (d) A supervisor who enters into a supervision agreement with an applicant under~~
 235 ~~Subsection (6)(a) shall notify the division if the applicant fails to complete the term of the~~
 236 ~~supervision agreement.] ←§~~

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

238 **58-60-207. Scope of practice -- Limitations.**

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

274 ~~[(iv)]~~ (i) under the supervision of a mental health therapist supervisor who meets the
275 requirements of Section 58-60-307;

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

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

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

287 (f) pass the examination requirement established by division rule under Section
288 58-1-203; and

289 (g) if the applicant is applying to participate in the Counseling Compact under Chapter
290 60a, Counseling Compact, consent to a criminal background check in accordance with Section
291 58-60-103.1 and any requirements established by division rule made in accordance with Title
292 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

303 ~~§→ [(3) (a) An applicant for licensure as a marriage and family therapist shall, after~~
304 ~~completing the hours described in Subsections (1)(d) and (e), enter into a supervision~~⊕

305 ~~Agreement with a supervisor qualified under Section 58-60-307:~~
 306 ~~— (b) A supervision agreement shall be for a term of at least six months.~~
 307 ~~— (c) An applicant for licensure as a marriage and family therapist may be licensed~~
 308 ~~during the term of a supervision agreement if the individual meets the requirements for~~
 309 ~~licensure.~~
 310 ~~— (d) A supervisor who enters into a supervision agreement with an applicant under~~
 311 ~~Subsection (3)(a) shall notify the division if the applicant fails to complete the term of the~~
 312 ~~supervision agreement.] ←§~~

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

314 **58-60-405. Qualifications for licensure.**

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

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

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

318 (c) produce certified transcripts evidencing completion of:

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

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

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

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

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

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

331 [(ii)] (i) under the supervision of a clinical mental health counselor, psychiatrist,
 332 psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or
 333 marriage and family therapist supervisor approved by the division in collaboration with the
 334 board;

335 [(iii)] (ii) obtained after completion of the education requirement in Subsection (1)(c);

367 and Related Educational Programs;

368 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit
369 hours of coursework related to an educational program described in Subsection (1)(c)(i); and

370 (c) that the applicant received a passing score that is valid and in good standing on:

371 (i) the National Counselor Examination; and

372 (ii) the National Clinical Mental Health Counseling Examination.

373 **Ŝ→** ~~[(4) (a) An applicant for licensure as a clinical mental health counselor shall, after~~
374 ~~completing the hours described in Subsections (1)(d) and (e), enter into a supervision~~
375 ~~agreement with a mental health therapist supervisor.~~

376 ~~—— (b) A supervision agreement shall be for a term of at least six months.~~

377 ~~—— (c) An applicant for licensure as a clinical mental health counselor may be licensed~~
378 ~~during the term of a supervision agreement if the individual meets the requirements for~~
379 ~~licensure.~~

380 ~~—— (d) A supervisor who enters into a supervision agreement with an applicant under~~
381 ~~Subsection (4)(a) shall notify the division if the applicant fails to complete the term of the~~
382 ~~supervision agreement.]~~ ←Ŝ