

1                   **MENTAL HEALTH PROFESSIONAL LICENSING**

2                                   **AMENDMENTS**

3   2023 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Stephanie Gricius**

6                                   Senate Sponsor: Michael K. McKell

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8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

13           ▶ removes restrictions on the provision of remote mental health therapy and remote  
14 substance use disorder counseling;

15           ▶ modifies requirements related to the training hours required for licensure as a:

- 16           • clinical social worker;
- 17           • marriage and family therapist; or
- 18           • clinical mental health counselor; and

19           ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21           None

22 **Other Special Clauses:**

23           None

24 **Utah Code Sections Affected:**

25 AMENDS:

26           **58-60-107**, as last amended by Laws of Utah 2021, Chapter 313

27           **58-60-205**, as last amended by Laws of Utah 2022, Chapters 345, 466



28 [58-60-207](#), as last amended by Laws of Utah 2020, Chapter 339  
29 [58-60-305](#), as last amended by Laws of Utah 2022, Chapters 345, 416 and 466  
30 [58-60-405](#), as last amended by Laws of Utah 2022, Chapters 345, 416 and 466



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

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

34 **58-60-107. Exemptions from licensure.**

35 (1) Except as modified in Section [58-60-103](#), the exemptions from licensure in Section  
36 [58-1-307](#) apply to this chapter.

37 (2) In addition to the exemptions from licensure in Section [58-1-307](#), the following  
38 may engage in acts included within the definition of practice as a mental health therapist,  
39 subject to the stated circumstances and limitations, 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 Section 2. Section **58-60-205** is amended to read:

107 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**  
108 **certified social worker, and social service worker.**

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

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

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

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

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

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

120 (d) have completed a minimum of 3,000 hours of clinical social work training as

121 defined by division rule under Section 58-1-203:

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

123 ~~[(ii)] (i)~~ under the supervision of a supervisor approved by the division in collaboration  
124 with the board who is a:

125 (A) clinical mental health counselor;

126 (B) psychiatrist;

127 (C) psychologist;

128 (D) registered psychiatric mental health nurse practitioner;

129 (E) marriage and family therapist; or

130 (F) clinical social worker; and

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

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

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

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

142 (h) if the applicant is applying to participate in the Counseling Compact under Chapter  
143 60a, Counseling Compact, consent to a criminal background check in accordance with Section  
144 58-60-103.1 and any requirements established by division rule made in accordance with Title  
145 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

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

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

154 (ii) a doctoral degree that contains a clinical social work concentration and practicum  
155 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah

156 Administrative Rulemaking Act, that is consistent with Section 58-1-203; and

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

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

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

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

164 (1)(d)(i).

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

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

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

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

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

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

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

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

178 (I) social welfare policy;

179 (II) human growth and development; and

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

181 (B) provides documentation that the applicant has completed at least 2,000 hours of  
182 qualifying experience under the supervision of a mental health therapist, which experience is

183 approved by the division in collaboration with the board, and which is performed after  
184 completion of the requirements to obtain the bachelor's degree required under this Subsection  
185 (4); or

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

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

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

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

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

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

196 **58-60-207. Scope of practice -- Limitations.**

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

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

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

208 (a) under supervision of an individual described in Subsection [~~58-60-205(1)(d)(ii)~~]  
209 58-60-205(1)(d)(i) and as an employee of another person when engaged in the practice of  
210 mental health therapy;

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

213 (c) including engaging in the private, independent, unsupervised practice of social

214 work as a self-employed individual, in partnership with other mental health therapists, as a  
215 professional corporation, or in any other capacity or business entity, so long as he does not  
216 practice unsupervised psychotherapy; and

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

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

219 **58-60-305. Qualifications for licensure.**

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

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

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

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

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

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

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

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

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

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

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

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



245 (f) pass the examination requirement established by division rule under Section  
246 58-1-203; and

247 (g) if the applicant is applying to participate in the Counseling Compact under Chapter  
248 60a, Counseling Compact, consent to a criminal background check in accordance with Section  
249 58-60-103.1 and any requirements established by division rule made in accordance with Title  
250 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

262 **58-60-405. Qualifications for licensure.**

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

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

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

266 (c) produce certified transcripts evidencing completion of:

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

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

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

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

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

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

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

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

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

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

292 (f) pass the examination requirement established by division rule under Section  
293 58-1-203; and

294 (g) if the applicant is applying to participate in the Counseling Compact under Chapter  
295 60a, Counseling Compact, consent to a criminal background check in accordance with Section  
296 58-60-103.1 and any requirements established by division rule made in accordance with Title  
297 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

307 individual is:

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

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

311 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement  
312 described in Subsection (1)(c) if the applicant submits documentation verifying:

313 (a) satisfactory completion of a doctoral or master's degree from an educational  
314 program in rehabilitation counseling accredited by the Council for Accreditation of Counseling  
315 and Related Educational Programs;

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

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

319 (i) the National Counselor Examination; and

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