

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

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**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 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;
- ▶ 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:**

None

**Other Special Clauses:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **58-60-107**, as last amended by Laws of Utah 2021, Chapter 313

30 **58-60-205**, as last amended by Laws of Utah 2022, Chapters 345, 466

31 **58-60-207**, as last amended by Laws of Utah 2020, Chapter 339

32 **58-60-305**, as last amended by Laws of Utah 2022, Chapters 345, 416 and 466

33 **58-60-405**, as last amended by Laws of Utah 2022, Chapters 345, 416 and 466

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

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

37 **58-60-107. Exemptions from licensure.**

38 (1) Except as modified in Section **58-60-103**, the exemptions from licensure in Section  
39 **58-1-307** apply to this chapter.

40 (2) In addition to the exemptions from licensure in Section **58-1-307**, and as provided  
41 in Subsection (3), the following may engage in acts included within the definition of practice as  
42 a mental health therapist, subject to the stated circumstances and limitations, without being  
43 licensed under this chapter:

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

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

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

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

50 (iv) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act,  
51 and specializing in mental health care under Section **58-70a-501.1**;

52 (b) a recognized member of the clergy while functioning in a ministerial capacity as  
53 long as the member of the clergy does not represent that the member of the clergy is, or use the  
54 title of, a license classification in Subsection **58-60-102(5)**;

55 (c) an individual who is offering expert testimony in a proceeding before a court,  
56 administrative hearing, deposition upon the order of a court or other body having power to

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

88 substance use disorders, including prevention;

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

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

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

100 (ii) the client relocates to Utah;

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

103 (iv) the individual provides the short term transitional mental health therapy [~~or short~~  
104 ~~term transitional substance use disorder counseling~~] remotely to the client only during the [~~45~~]  
105 90 day period beginning on the day on which the client relocates to Utah;

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

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

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

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

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

115 (b) Except as provided in Subsection (2)(j) for a physician and surgeon or an  
116 osteopathic physician and surgeon, an individual who is not licensed in Utah and who provides  
117 mental health therapy remotely or substance use disorder counseling remotely to a client in  
118 Utah:

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

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

123 (A) how to access emergency services and resources in Utah; and

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

126 (iii) shall, within one day after the day on which the individual first provides mental  
127 health therapy remotely or substance use disorder counseling remotely to a client in Utah,  
128 submit to the division a signed notice, in the form required by the division, notifying the  
129 division that the individual is providing therapy or counseling under the exemption in  
130 Subsection (2)(j); and

131 (iv) shall obtain a Utah license:

132 (A) within nine months after the day on which the individual first provides mental  
133 health therapy remotely or substance use disorder counseling remotely to a client in Utah; or

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

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

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

141 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**  
142 **certified social worker, and social service worker.**

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

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

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

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

149 (i) a master's degree in a social work program accredited by the Council on Social

150 Work Education or by the Canadian Association of Schools of Social Work; or  
151 (ii) a doctoral degree that contains a clinical social work concentration and practicum  
152 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah  
153 Administrative Rulemaking Act, that is consistent with Section 58-1-203;  
154 (d) have completed a minimum of 3,000 hours of clinical social work training as  
155 defined by division rule under Section 58-1-203:  
156 [~~(i) in not less than two years;~~]  
157 [~~(ii)~~] (i) under the supervision of a supervisor approved by the division in collaboration  
158 with the board who is a:  
159 (A) clinical mental health counselor;  
160 (B) psychiatrist;  
161 (C) psychologist;  
162 (D) registered psychiatric mental health nurse practitioner;  
163 (E) marriage and family therapist; or  
164 (F) clinical social worker; and  
165 [~~(iii)~~] (ii) including a minimum of two hours of training in suicide prevention via a  
166 course that the division designates as approved;  
167 (e) document successful completion of not less than 1,000 hours of supervised training  
168 in mental health therapy obtained after completion of the education requirement in Subsection  
169 (1)(c), which training may be included as part of the 3,000 hours of training in Subsection  
170 (1)(d), and of which documented evidence demonstrates not less than [~~100~~] 75 of the hours  
171 were obtained under the direct supervision, as defined by rule, of a supervisor described in  
172 Subsection [~~(1)(d)(ii)~~] (1)(d)(i);  
173 (f) have completed a case work, group work, or family treatment course sequence with  
174 a clinical practicum in content as defined by rule under Section 58-1-203;  
175 (g) pass the examination requirement established by rule under Section 58-1-203; and  
176 (h) if the applicant is applying to participate in the Counseling Compact under Chapter  
177 60a, Counseling Compact, consent to a criminal background check in accordance with Section  
178 58-60-103.1 and any requirements established by division rule made in accordance with Title  
179 63G, Chapter 3, Utah Administrative Rulemaking Act.  
180 (2) An applicant for licensure as a certified social worker shall:

- 181 (a) submit an application on a form provided by the division;
- 182 (b) pay a fee determined by the department under Section 63J-1-504;
- 183 (c) produce certified transcripts from an accredited institution of higher education
- 184 recognized by the division in collaboration with the board verifying satisfactory completion of
- 185 an education and an earned degree as follows:
- 186 (i) a master's degree in a social work program accredited by the Council on Social
- 187 Work Education or by the Canadian Association of Schools of Social Work; or
- 188 (ii) a doctoral degree that contains a clinical social work concentration and practicum
- 189 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
- 190 Administrative Rulemaking Act, that is consistent with Section 58-1-203; and
- 191 (d) pass the examination requirement established by rule under Section 58-1-203.
- 192 (3) (a) An applicant for certification as a certified social worker intern shall meet the
- 193 requirements of Subsections (2)(a)[~~(b), and~~] through (c).
- 194 (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the
- 195 examination required under Subsection (2)(d) or six months, whichever occurs first.
- 196 (c) A certified social worker intern may provide mental health therapy under the
- 197 general supervision, as defined by rule, of a supervisor described in Subsection [~~(1)(d)(ii)~~]
- 198 (1)(d)(i).
- 199 (4) An applicant for licensure as a social service worker shall:
- 200 (a) submit an application on a form provided by the division;
- 201 (b) pay a fee determined by the department under Section 63J-1-504;
- 202 (c) produce certified transcripts from an accredited institution of higher education
- 203 recognized by the division in collaboration with the board verifying satisfactory completion of
- 204 an education and an earned degree as follows:
- 205 (i) a bachelor's degree in a social work program accredited by the Council on Social
- 206 Work Education or by the Canadian Association of Schools of Social Work;
- 207 (ii) a master's degree in a field approved by the division in collaboration with the
- 208 board;
- 209 (iii) a bachelor's degree in any field if the applicant:
- 210 (A) has completed at least three semester hours, or the equivalent, in each of the
- 211 following areas:

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

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

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

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

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

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

229 (6) (a) An applicant for licensure as a clinical social worker shall, after completing the  
230 hours described in Subsections (1)(d) and (e), enter into a supervision agreement with a  
231 supervisor described in Subsection (1)(d)(i).

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

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

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

236 **58-60-207. Scope of practice -- Limitations.**

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

241 (b) A clinical social worker may not supervise more than six individuals who are  
242 lawfully engaged in training for the practice of mental health therapy, unless granted an



243 exception in writing from the division in collaboration with the board.

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

248 (a) under supervision of an individual described in Subsection [~~58-60-205(1)(d)(ii)~~]  
249 58-60-205(1)(d)(i) and as an employee of another person when engaged in the practice of  
250 mental health therapy;

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

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

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

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

259 **58-60-305. Qualifications for licensure.**

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

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

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

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

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

267 (ii) an accredited institution meeting criteria for approval established by rule under  
268 Section 58-1-203;

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

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

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

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

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

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

285           (f) pass the examination requirement established by division rule under Section  
286 [58-1-203](#); and

287           (g) if the applicant is applying to participate in the Counseling Compact under Chapter  
288 60a, Counseling Compact, consent to a criminal background check in accordance with Section  
289 [58-60-103.1](#) and any requirements established by division rule made in accordance with Title  
290 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

301           (3) (a) An applicant for licensure as a marriage and family therapist shall, after  
302 completing the hours described in Subsections (1)(d) and (e), enter into a supervision  
303 agreement with a supervisor qualified under Section [58-60-307](#).

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

305 (c) An applicant for licensure as a marriage and family therapist may be licensed  
306 during the term of a supervision agreement if the individual meets the requirements for  
307 licensure.

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

309 **58-60-405. Qualifications for licensure.**

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

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

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

313 (c) produce certified transcripts evidencing completion of:

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

315 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor

316 education and supervision from a program accredited by the Council for Accreditation of

317 Counseling and Related Educational Programs; or

318 (B) clinical mental health counseling or an equivalent field from a program affiliated

319 with an institution that has accreditation that is recognized by the Council for Higher Education

320 Accreditation; and

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

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

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

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

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

331 and

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

334 (e) document successful completion of not less than 1,000 hours of supervised training  
335 in mental health therapy obtained after completion of the education requirement in Subsection

336 (1)(c), which training may be included as part of the 3,000 hours of training in Subsection  
337 (1)(d), and of which documented evidence demonstrates not less than ~~[100]~~ 75 of the hours  
338 were obtained under the direct supervision of a mental health therapist, as defined by rule;

339 (f) pass the examination requirement established by division rule under Section  
340 [58-1-203](#); and

341 (g) if the applicant is applying to participate in the Counseling Compact under Chapter  
342 60a, Counseling Compact, consent to a criminal background check in accordance with Section  
343 [58-60-103.1](#) and any requirements established by division rule made in accordance with Title  
344 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

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

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

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

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

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

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

366 (i) the National Counselor Examination; and

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

368 (4) (a) An applicant for licensure as a clinical mental health counselor shall, after  
369 completing the hours described in Subsections (1)(d) and (e), enter into a supervision  
370 agreement with a mental health therapist supervisor.

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

372 (c) An applicant for licensure as a clinical mental health counselor may be licensed  
373 during the term of a supervision agreement if the individual meets the requirements for  
374 licensure.