



# House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL  
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January 27, 2023

Mr. Speaker,

The Business and Labor Committee recommends **H.B. 166**, MENTAL HEALTH PROFESSIONAL LICENSING AMENDMENTS, by Representative S. Gricius, be replaced and reports a favorable recommendation on **1st Sub. H.B. 166**, MENTAL HEALTH PROFESSIONAL LICENSING AMENDMENTS with the following amendments:

1. *Page 4, Line 106 through Page 5, Line 131:*

- 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 ~~{10 days}~~ one day after the day on which the
- individual first 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

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125 provides mental health  
126 therapy remotely or substance use disorder counseling remotely to a client in Utah; or  
127 (B) if at any time the individual provides mental health therapy remotely or  
128 substance  
129 use disorder counseling remotely to more than one client in Utah.  
130 (4) The division shall report to the Health and Human Services Interim Committee  
131 at  
132 or before the committee's October 2026 meeting regarding the exemption described in  
133 Subsection (2)(j), including information about any complaints the division has received  
134 concerning individuals who have provided therapy or counseling under that exemption.

Respectfully,

A. Cory Maloy  
Chair

Voting: 9-0-6

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