

**Senator Curtis S. Bramble** proposes the following substitute bill:

**BEHAVIORAL HEALTH LICENSING AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: A. Cory Maloy

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**LONG TITLE**

**General Description:**

This bill amends behavioral health licensing provisions.

**Highlighted Provisions:**

This bill:

▶ requires the division to consider interstate portability and make recommendations regarding Utah's membership in any interstate licensing compacts;

▶ expands the types of licensees who may participate in the Utah Professionals Health Program, and removes the absolute requirement for formal proceedings to terminate a Utah Professionals Health Program contract and requires the division to make rules for probation after termination of a Utah Professionals Health Program contract;

▶ ~~§~~ → [ ~~\_\_\_\_\_ establishes that substance use disorders qualify an individual licensee for the~~  
~~Utah~~  
~~Professionals Health Program's alternative path to public disciplinary action;~~ ] ← ~~§~~

▶ creates the Behavioral Health Board, a multi-professional board to replace certain individual licensing boards;

▶ establishes training and certification requirements for clinical supervisors;

▶ changes supervision requirements for mental health therapists to include direct observation;



1948 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use  
1949 disorder counselor shall:

1950 (a) submit an application on a form provided by the division;

1951 (b) pay a fee determined by the department under Section 63J-1-504; and

1952 (c) (i) produce certified transcripts verifying satisfactory completion of:

1953 (A) a bachelor's degree or higher, from a regionally accredited institution of higher  
1954 learning, in substance use disorders, addiction, or related counseling subjects, including social  
1955 work; mental health counseling; marriage and family counseling; or psychology; or

1956 (B) two academic years of study in a master's of addiction counseling curriculum and  
1957 practicum approved by the National Addictions Studies Accreditation Commission;

1958 (ii) document completion of at least 500 hours of supervised experience while licensed  
1959 as a substance use disorder counselor under this section, which the applicant may complete  
1960 while completing the education requirements under Subsection (1)(c); and

1961 (iii) satisfy examination requirements established by the division in rule; and

1962 (5) The requirements of Subsection (4)(c) may be satisfied by providing official  
1963 verification of current certification in good standing ~~§~~→ [as] ←~~§~~ ;

1964 (a) ~~§~~→ (i) as ←~~§~~ a National Certified Addiction Counselor Level II (NCAC II) from the  
1964a National

1965 Certification Commission for Addiction Professionals (NCC AP); or

1966 ~~§~~→ [(b)] (ii) as ←~~§~~ an Advanced Alcohol & Drug Counselor (AADC), from the International  
1967 Certification and Reciprocity Consortium ~~§~~→ [;] ; or

1967a (b) of substantive equivalence to the certifications under Subsection (5)(a), as  
1967b determined by division rule made in consultation with the board. ←~~§~~

1968 ~~[(2) In accordance with division rules, an applicant for licensure as an advanced~~  
1969 ~~substance use disorder counselor shall produce:]~~

1970 ~~[(a) certified transcripts from an accredited institution of higher education that:]~~

1971 ~~[(i) meet division standards;]~~

1972 ~~[(ii) verify the satisfactory completion of a baccalaureate or graduate degree; and]~~

1973 ~~[(iii) verify the completion of prerequisite courses established by division rules;]~~

1974 ~~[(b) documentation of the applicant's completion of a substance use disorder education~~  
1975 ~~program that includes:]~~

1976 ~~[(i) at least 300 hours of substance use disorder related education, of which 200 hours~~  
1977 ~~may have been obtained while qualifying for a substance use disorder counselor license; and]~~

1978 ~~[(ii) a supervised practicum of at least 350 hours, of which 200 hours may have been~~

2413 (3) (a) An applicant for certification as a psychology resident shall comply with the  
2414 provisions of Subsections (1)(a), (b), (c), (g), and (h).

2415 (b) (i) An individual's certification as a psychology resident is limited to the period of  
2416 time necessary to complete clinical training as described in Subsections (1)(d) and (e) and  
2417 extends not more than one year from the date the minimum requirement for training is  
2418 completed, unless the individual presents satisfactory evidence to the division and the  
2419 ~~[Psychologist Licensing Board]~~ board that the individual is making reasonable progress toward  
2420 passing the qualifying examination or is otherwise on a course reasonably expected to lead to  
2421 licensure as a psychologist.

2422 (ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the  
2423 date the minimum supervised clinical training requirement has been completed.

2424 (4) An applicant for certification as a certified prescribing psychologist based upon  
2425 education, clinical training, and examination shall:

2426 (a) have authority to engage in the practice of psychology under Subsection 58-61-301;

2427 (b) pay a fee determined by the department under Section 63J-1-504;

2428 (c) demonstrate by official transcript, or other official evidence satisfactory to the  
2429 division, that the applicant:

2430 (i) has completed a doctoral degree in psychology that includes specific core course  
2431 work established by division rule under Section 58-1-203, from an institution of higher  
2432 education whose doctoral program, at the time the applicant received the doctoral degree, met  
2433 approval criteria established by division rule made in consultation with the board;

2434 (ii) has completed a master's degree in clinical psychopharmacology from an institution  
2435 of higher learning whose master's program, at the time the applicant received the master's  
2436 degree, included at least ~~§→ [60]~~ 30 ~~←§~~ credit hours of didactics coursework over no less than four  
2437 semesters, met approval criteria established by division rule made in consultation with the  
2438 board and includes the following core areas of instruction:

2439 (A) neuroscience, pharmacology, psychopharmacology, physiology, and  
2440 pathophysiology;

2441 (B) appropriate and relevant physical and laboratory assessment;

2442 (C) basic sciences, including general biology, microbiology, cell and molecular  
2443 biology, human anatomy, human physiology, biochemistry, and genetics, as part of or prior to

2444 enrollment in a master's degree in clinical psychopharmacology; and

2445 (D) any other areas of instruction determined necessary by the division, in

2446 collaboration with the board, as established by division rule; and

2447 (iii) has completed postdoctoral supervised training, as defined by division rule made

2448 in consultation with the board, in prescribing psychology under the direction of a licensed

2449 physician, including:

2450 (A) not less than 4,000 hours of supervised clinical training throughout a period of at

2451 least two years; and

2452 (B) for an applicant for a prescription certificate who specializes in the psychological

2453 care of children ~~17 years of age or younger~~ , ~~elderly persons~~ persons 65 years of

2453a age or older ~~or persons with comorbid~~ [psychological] medical ~~conditions, at least~~

2454 one year prescribing psychotropic medications to those populations, as certified by the

2455 applicant's supervising licensed physician;

2456 (d) have passed:

2457 (i) the Psychopharmacology Examination for Psychologists developed by the

2458 Association of State and Provincial Psychology Boards, or its successor organization; or

2459 (ii) an equivalent examination as defined by the division in rule;

2460 (e) not have any disciplinary action pending or in effect against the applicant's

2461 psychologist license or other professional license authorizing the applicant to prescribe in any

2462 jurisdiction;

2463 (f) consent to a criminal background check in accordance with Section 58-61-304.1

2464 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah

2465 Administrative Rulemaking Act;

2466 (g) commit to maintaining professional liability insurance while acting as a certified

2467 prescribing psychologist;

2468 (h) meet with the board, upon request for good cause, for the purpose of evaluating the

2469 applicant's qualifications for licensure.

2470 (5) An applicant for certification as a certified prescribing psychologist by endorsement

2471 based upon licensure in another jurisdiction shall:

2472 (a) submit an application on a form provided by the division;

2473 (b) pay a fee determined by the department under Section 63J-1-504;

2474 (c) not have any disciplinary action pending or in effect against the applicant's

2475 psychologist license or other professional license authorizing the applicant to prescribe in any  
 2476 jurisdiction;

2477 (d) have passed the Utah Psychologist Law and Ethics Examination established by  
 2478 division rule;

2479 (e) provide satisfactory evidence the applicant is currently licensed as a prescribing  
 2480 psychologist in another state, district, or territory of the United States, or in any other  
 2481 jurisdiction approved by the division in collaboration with the board;

2482 (f) provide satisfactory evidence the applicant has actively practiced as a prescribing  
 2483 psychologist in that jurisdiction for not less than \$→ [2,000] 4,000 ←\$ hours or \$→ [one year] two  
 2483a years ←\$ , whichever is greater;

2484 (g) provide satisfactory evidence that the applicant has satisfied the education,  
 2485 supervised experience, examination, and all other requirements for licensure as a prescribing  
 2486 psychologist in that jurisdiction at the time the applicant obtained licensure were substantially  
 2487 equivalent to the licensure requirements for a certified prescribing psychologist in Utah at the  
 2488 time the applicant obtained licensure in the other jurisdiction;

2489 (h) consent to a criminal background check in accordance with Section 58-61-304.1  
 2490 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah  
 2491 Administrative Rulemaking Act;

2492 (i) commit to maintaining professional liability insurance while acting as a certified  
 2493 prescribing psychologist; and

2494 (j) meet with the board, upon request for good cause, for the purpose of evaluating the  
 2495 applicant's qualifications for licensure.

2496 (6) An applicant for certification as a provisional prescribing psychologist shall:

2497 (a) have authority to engage in the practice of psychology under Subsection 58-61-301;

2498 (b) pay a fee determined by the department under Section 63J-1-504;

2499 (c) demonstrate by official transcript, or other official evidence satisfactory to the  
 2500 division, that the applicant:

2501 (i) has completed a doctoral degree in psychology that includes specific core course  
 2502 work established by division rule under Section 58-1-203, from an institution of higher  
 2503 education whose doctoral program, at the time the applicant received the doctoral degree, met  
 2504 approval criteria established by division rule made in consultation with the board;

2505 (ii) has completed a master's degree in clinical psychopharmacology from an institution

2537 (a) in addition to other fees authorized by this chapter, collect from each applicant  
2538 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal  
2539 Identification is authorized to collect for the services provided under Section 53-10-108 and the  
2540 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of  
2541 obtaining federal criminal history record information;

2542 (b) submit from each applicant the fingerprint card and the fees described in  
2543 Subsection (2)(a) to the Bureau of Criminal Identification; and

2544 (c) obtain and retain in division records a signed waiver approved by the Bureau of  
2545 Criminal Identification in accordance with Section 53-10-108 for each applicant.

2546 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of  
2547 Section 53-10-108:

2548 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
2549 and regional criminal records databases;

2550 (b) forward the fingerprints to the Federal Bureau of Investigation for a national  
2551 criminal history background check; and

2552 (c) provide the results from the state, regional, and nationwide criminal history  
2553 background checks to the division.

2554 (4) The division may not disseminate outside of the division any criminal history  
2555 record information that the division obtains from the Bureau of Criminal Identification or the  
2556 Federal Bureau of Investigation under the criminal background check requirements of this  
2557 section.

2558 Section 36. Section **58-61-308** is amended to read:

2559 **58-61-308. Scope of practice -- Limitations.**

2560 (1) (a) [~~A~~] Subject to Subsections (1)(b) through ~~§~~→ [~~(e)~~] (f) ←~~§~~ , a psychologist may  
2560a engage in all  
2561 acts and practices defined as the practice of psychology without supervision, in private and  
2562 independent practice, or as an employee of another person, limited only by the licensee's  
2563 education, training, and competence.

2564 (b) Only a certified prescribing psychologist or provisional prescribing psychologist  
2565 may ~~§~~→ [~~prescribe, administer, discontinue, and distribute without charge, psychotropic drugs]~~  
2565a prescribe, administer, and discontinue ~~§~~→ [~~psychotropic drugs]~~ selective serotonin reuptake  
2565b inhibitors (SSRIs), and other medications approved under Subsection (1)(c), ←~~§~~ ←~~§~~  
2566 recognized in or customarily used in the diagnosis, treatment, and management of individuals  
2567 with psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral

2568 disorders, including:

2569 (i) laboratory tests;

2570 (ii) diagnostic examinations; and

2571 (iii) procedures that are:

2572 (A) necessary to obtain laboratory tests or diagnostic examinations;

2573 (B) relevant to the practice of psychology; and

2574 (C) in accordance with division rule made in consultation with the board.

2574a **§→ (c)(i) The division may, by rule made in consultation with the Physicians Licensing Board**  
2574b **created in Section 58-67-201, approve medications other than SSRIs for prescribing by certified**  
2574c **prescribing psychologists or provisional prescribing psychologists.**

2574d **(ii) If the division approves a medication under Subsection (c)(i), the division shall**  
2574e **notify the Health and Human Services Interim Committee of the approval within 14 days after**  
2574f **the day on which the medication is approved. ←§**

2575 **§→ ~~(c)(i)~~ (d)(i) ←§ A certified prescribing psychologist may only prescribe psychotropic**  
2575a **medication**

2576 **for a patient if the certified prescribing psychologist:**

2577 **(A) identifies a health care practitioner currently overseeing the patient's general**  
2578 **medical care; and**

2579 **(B) establishes and maintains a collaborative relationship with that health care**  
2580 **practitioner.**

2581 **(ii) When prescribing a psychotropic medication for a patient, a certified prescribing**  
2582 **psychologist shall establish and maintain a collaborative relationship with a health care**  
2583 **practitioner who oversees the patient's general medical care to ensure that:**

2584 **(A) necessary medical examinations are conducted;**

2585 **(B) the psychotropic medication is appropriate for the patient's medical condition; and**

2586 **(C) significant changes in the patient's medical or psychological conditions are**  
2587 **discussed.**

2588 **(iii) A health care practitioner under Subsections (1)(c)(i) and (ii) shall be:**

2589 **(A) a physician licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68,**  
2590 **Utah Osteopathic Medical Practice Act; or**

2591 **(B) a psychiatric mental health nurse practitioner, as defined in Section 58-1-111.**

2592 **§→ ~~(d)~~ (e) ←§ Certified prescribing psychologists and provisional prescribing**  
2592a **psychologists may**

2593 **not prescribe or administer:**

2594 **(i) narcotics; or**

2595 (ii) controlled substances.

2596 ~~§~~ → ~~(e)~~ **(f)** ← ~~§~~ The division, in consultation with the board and the Physicians Licensing  
2596a Board

2597 created in Section 58-67-201, may make rules further defining this section's limitations relating

2598 to prescribing psychology, allowable medications, and collaborative relationship requirements.